

***FINAL REPORT***

**Balancing Work and Family Life:  
The Role of Flexible Working  
Arrangements**

**Department of Social, Community and Family Affairs  
Families Research Programme**

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## **Chapter One**

### **Background and Introduction**

#### **1.1 Families research programme**

As part of the Government's commitment "to put the family at the centre of all its policies", the Minister for Social, Community and Family Affairs, in Spring 1999, launched a new Families Research Programme "to provide grant aid to support research projects which have the ability to inform the future development of aspects of policy which relate to families and family services". In so doing he acknowledged that "there is little research into Irish families and family members and the challenges families face in maintaining their relationships and rearing their children ... The findings from these research projects will contribute to the debate on the issues facing families today and help to develop and shape future policy" (Ahern 1999, p.1).

This Report presents the detailed findings of one of the studies supported under the first phase of the Families Research Programme introduced by the Department of Social Community and Family Affairs (DSCFA). The study was undertaken for the Department by members of the Research Team at the Institute of Public Administration from autumn 1999 to spring 2000. In presenting this Report, the support and encouragement of the Family Affairs Unit in the DSCFA throughout the course of the study is acknowledged gratefully. Gratitude is also expressed to those in the cross-section of commercial and non-commercial organisations, the trade unions and other representative bodies that contributed their views to this study. However, responsibility for the content of this report rests with the research team.

#### **1.2 The need for research**

In its Report entitled *Strengthening Families for Life*, the Commission on the Family (1998) stated that, "It is the Commission's view that change can be brought about only over time by a major change in our thinking and in the culture surrounding work and

family life” (p.140). In line with Chapter Eight of the Commission’s Report, this study seeks to explore and assess critically the impact of developments in the workplace to assist the reconciling of work and family responsibilities. In particular, the Commission’s Report noted that “there is limited data available on the views of employers’ organisations and trade unions on flexible working arrangements, the benefits of such practices to employers and employees or the evaluation of existing schemes in meeting employer/employee needs” (p. 138).

These matters are of immediate and pressing concern nationally. As with many other European countries, Ireland is rapidly becoming a nation of work rich and work poor families (see McKeown 1998). For those in employment, and especially dual-income households, the challenge posed by reconciling the growing demands of work with caring responsibilities outside the workplace is one of the dominant issues facing family life in modern Ireland. For employers, one of their most pressing concerns, in the current labour market, is the attraction and retention of quality staff. With this in mind, family friendly working arrangements can play an important role in any overall pay and benefits package. By drawing upon experiences within both the commercial and non-commercial sectors, as well as nationally and overseas, this study seeks to provide research evidence to help fill a gap in knowledge and indicate positive ways forward for policy makers, employers and employees alike.

### **1.3 The slow pace of change**

When the important concerns expressed by the Commission on the Family (1998) about the importance of family friendly working arrangements are compared with those expressed by key commentators nearly two decades earlier, it can be seen that the pace of change in the development of such arrangements in the workplace has been exceedingly slow in Ireland and that there is absolutely no room for complacency concerning the future. In her benchmark study entitled, *Women and Work in Ireland* (1983), Fine-Davis stressed the need to encourage the introduction of flexitime, job-sharing and other forms of less than full time working, in addition to improved childcare provision, as essential steps to facilitate a more family friendly working environment for both men and women. “It is hoped that these recommendations will

receive the serious attention they deserve. There is growing recognition that “only when the organisation of work is adapted to the needs of workers and their families in a way that does not deprive children of contact with their parents, women of equal opportunities for the exercise of non-mother roles, and men of the possibility of sharing in the home-care of their children, can equality become the condition of all in our societies” (OECD 1979, p. 126). In view of the fundamental changes occurring in sex role behaviour in Irish society, as has been the pattern in other developed Western societies, it is hoped that public policies in this sphere will anticipate and keep pace with these developments so as to ensure the optimum well-being of the women, children and families undergoing these transitions” (Fine-Davis 1983, p.229).

To address this continuing challenge, considerable emphasis is given in the current policy debate on the key role of ‘family-friendly’ initiatives in the workplace. In particular, and in addition to the on-going debate regarding the need for enhanced childcare provision, a range of flexible or atypical working arrangements have been developed in the public and private sectors, over the past decade and a half, which have a positive potential role to play in this respect. Such ‘family friendly’ arrangements in the workplace include flexitime, part-time working and/or jobsharing, term-time working. In line with the recommendations of the Family Commission Report, this independent study explores, and assesses critically, the impact of such arrangements in helping to balance more effectively the demands of work and family.

#### **1.4 A diversity of families**

At the outset, it is also important to review what constitutes a ‘family’ in the Ireland of the 21<sup>st</sup> Century, in order to determine the ‘friendliness’ or otherwise of different working arrangements. Assuming that Ireland follows a similar pattern to its European neighbours, then such a task is not as straightforward as it might seem at first sight. As Gillis (1997) points out, “Much about modern life is changing but one thing that never seems to change is the notion that family is not what it used to be” (p.1). In this case, evidence from other advanced economies indicates that, while the pace of change may vary from country to country, region to region and community to community, family forms are becoming increasingly diverse in character and complex

in their inter-relationships.

“Ask most people what their mental image of a family is and they are likely to conjure up a picture of husband, wife, two children and in all probability a dog and a car! In fact, families are far more varied in their makeup. The adults will frequently not be married or have been married before. The family may be of an adult child living with an elderly parent, two sisters or brothers living together. The variety and complexity of family life is too great for simplistic legislation or prescriptive moralising” (Soley 1997, p. 215). The fundamental changes which have taken place in Irish society, and their implications for concepts of the family, have been the subject of considerable comment (see, for example, Fahey 1995). As O’Connor (1998) observes, “... even in our own society it is clear that despite the simplicity and attractiveness of familism at an ideological level, the family is by no means an unproblematic entity. Indeed, it is increasingly recognised that it is more useful to speak of families, rather than the family. In Ireland, perhaps the biggest challenge to traditional notions of the family has come from the increasing presence of lone parents” (p.119). For such families, the availability of family friendly working arrangements, together with affordable childcare, are critically important. As McCashin (1996) reported in his study, most lone parents experience significant levels of poverty but most wanted to work.

Lynch (1998) points out that, “Although the family based on marriage is held in high esteem, there is an on-going debate in all countries as to what constitutes a family, a debate which is undoubtedly stimulated by the fact that the marriage rate is declining in most Western European countries” (p. 627). Not surprisingly, therefore, after a major study of British families at the end of the twentieth century, McRae (1999) concludes that, “Britain today is a much more complex society than in past times, with great diversity in the types of household within which people live: one-person; cohabiting; families with children and families without; stepfamilies; lone parents – whether divorced or never married; gay and lesbian couples; pensioners. Much of this diversity has been gained at the expense of tradition and there has been a downward trend in the prevalence of certain types of family – most particularly, the traditional two parents plus dependent children” (p.1).



The future development of family friendly working arrangements in Ireland clearly needs to be responsive to the increasing diversity of family types and their dynamic character. Such developments also need to be gender sensitive and relate to carers and others regardless of the sex of the employee (see McKeown et al 1999). Family friendly working arrangements are not a women's issue, they are a people issue. As the Commission on the Family (1998) also made clear, its 'recommendations ... relate to the role of public policy in strengthening families and preventing family breakdown. Key issues for families and for marriage in the new century are supporting families with their parenting responsibilities; getting the balance right between employment and family life for men and women who now have too little time to themselves and their families; strengthening the role of fathers in family life, more sharing of household responsibilities; minimising the adverse effects of unemployment on families" (p. 184).

### **1.5 A working definition of family friendly working arrangements**

Not surprisingly, administrative systems as well as national policies across Europe have had difficulty adjusting and responding to such rapidly changing family forms and concepts. As Rerrich (1996) points out, for example, "... social policy in Germany remains institutionally conservative. It is geared towards the family as the main provider of everyday care, not only for children but also for the handicapped and elderly as well. There has been practically no adjustment to dual-earner/dual-career families nor to single-parent family patterns by German social policy as more and more women enter the labour market" (p. 27).

In Ireland, for statistical and legislative purposes, definitions of the family primarily refer to marital, parental, hereditary and/or caring relationships (see Central Statistics Office 1997a, p. 10 and *Employment Equality Act 1998*). Whilst such relationships are likely to capture the vast majority of 'de facto families' in Irish society at present, it is important that any definition of 'family friendly' working arrangements is also sensitive to current and future diversity in familial relationships (see 1.4 above). Accordingly, for the purposes of this research, 'family friendly working arrangements' are defined as those workplace arrangements that assist employees to combine paid

employment with their caring responsibilities and personal lives away from work. As Fisher (2000) rightly points out, all employees irrespective of their family situation or personal responsibilities need and want to have greater balance between their lives inside and outside work.

## **1.6 Research objectives and terms of reference**

With this definition in mind, this study seeks to:

- identify the challenges and benefits to introducing family-friendly flexible working arrangements (drawing on best practice and research undertaken in Ireland and abroad);
- identify the respective roles of public policy makers, employers and trade unions in taking forward such initiatives; and
- provide scientifically based research evidence to inform the debate in this area and assist policy makers in identifying practical measures to further assist the development of family friendly initiatives in the Irish workplace.

The research proposal submitted to the Department of Social, Community and Family Affairs for approval under the Families Research Programme contained the following terms of reference:

1. A detailed analysis of relevant national and international literature and research to identify conceptual frameworks and best practice approaches to flexible workplace arrangements and their impact on employers and employees.
2. A detailed review of quantitative and qualitative research undertaken in Ireland and elsewhere to identify the effects on employers and employees of:
  - the dual demands of working and family life; and
  - the effects of the introduction of family-friendly initiatives.
3. An informed analysis of the context within which family-friendly initiatives might be further developed, including a brief review of the relevant legal framework, the

role and views of national trade unions, and the current policy approach.

4. An exploratory analysis of the impact of family-friendly working arrangements in a number of selected commercial and non-commercial organisations in a range of industrial sectors.
5. Based on the information gathered at each level of the research, a set of conclusions/recommendations will be put forward to inform the debate in this area and to assist policy makers in identifying practical measures to further consider the development of initiatives which would assist in strengthening the position of the family in the context of workplace related issues.

### **1.7 Research approach**

To fulfil these terms of reference, the project's research team used both quantitative and qualitative methodologies. These included:

1. Analysis of national and international statistical sources to seek to quantify the extent and character of existing flexible working arrangements.
2. Analysis of national and international research material and policy documents to obtain a thorough understanding of the key factors influencing the development of such measures.
3. The undertaking of in-depth discussions with key employer and trade union representatives of the impact of existing family friendly policies in the workplace; as well as to obtain their views on potential future developments.
4. Case-study analysis of the first-hand experiences gained by a number of indicative commercial and non-commercial organisations in the development and promotion of such arrangements.

The resources available to the research team did not allow for the undertaking of a statistically representative national survey of employer, trade union and employee perspectives on family friendly/flexible working arrangements, in the public and private sectors. However, by the informed analysis of available secondary sources,

supplemented by in-depth interviews covering a cross-section of different types of employment situation, the research findings presented here aim to reflect accurately the current position in Ireland. In drafting the recommendations for ways forward, the research team was also able to build upon considerable other experience in this area (see, for example, Humphreys 1983 and 1986; Humphreys, Drew and Murphy 1999 and Humphreys, Fleming and O'Donnell 2000).

## **1.8 Report content**

After this introductory section (Chapter One) establishing the background and context for the study, as well as some of the key operational definitions:

- *Chapter Two* identifies in more detail the types of specific working arrangement covered by this research study. Broadly speaking these fall into the categories of locational or temporal flexibility. It is also acknowledged, however, that new and emerging forms of flexible working arrangement could have a potential role to play in Irish firms and organisations seeking to adopt a 'family-friendly' approach in current labour market conditions.
- *Chapter Three* then draws upon available research evidence to identify some of the main advantages attributed to flexible working arrangements from both the employers' and employees' perspective. It revisits the concept of the 'flexible firm' and identifies areas of potential resistance to change.
- While noting the limitations of, and the need for improvement in the availability of data, *Chapter Four* examines the extent and character of flexible working in Ireland, within the context of the wider European Union (EU). The positions in the private and public sectors are reviewed and key issues emerging identified.
- *Chapter Five* examines the changing policy approaches to flexible, family friendly working arrangements in Ireland and *Chapter Six* establishes the extremely important legal and administrative frameworks within which change in the private and public sectors will need to take place.
- Drawing upon a detailed analysis of secondary sources as well as the in-depth

interviews undertaken with employer and trade union organisations, and in a cross-section of individual public and private sector organisations, *Chapter Seven* analyses the contribution made by flexible working arrangements from a family-friendly perspective.

- Finally, drawing upon all of the preceding analyses, *Chapter Eight* puts forward conclusions and recommendations to inform the debate in this area and to assist policy makers in identifying practical measures to consider further the development of initiatives which would assist in strengthening the position of the family in the context of workplace related measures.

Some of the key messages identified therein are summarised at the end of each chapter. A detailed bibliography, notes and annex are provided at the end of the report. In addition, an Executive Summary of the key findings is provided at the beginning of the report.

## **1.9 Key messages**

Arising from this introductory analysis and discussion, the following key messages can be identified:

- This Report presents the detailed findings of one of the first studies supported by the Department of Social Community and Family Affairs (DSCFA), under its Families Research Programme (1999).
- In line with the recommendations contained in *Strengthening Families for Life* (1998), this study seeks to explore and assess critically the impact of developments in the workplace to assist the reconciling of work and family responsibilities.
- By drawing upon experiences within both the commercial and non-commercial sectors, as well as nationally and overseas, this study seeks to provide research evidence to help fill a gap in knowledge and indicate positive ways forward for policy makers, employers and employees alike.

- Looking back at developments over the past two decades, the pace of change in the development of such arrangements in the workplace has been exceedingly slow in Ireland and there is absolutely no room for complacency concerning the future.
- For the purposes of this study, ‘family friendly working arrangements’ are defined as those workplace arrangements that assist employees to combine paid employment with their caring responsibilities and personal lives away from work. Such arrangements include flexitime, jobsharing, part-time working and term-time working.
- The future development of family friendly working arrangements in Ireland clearly needs to be responsive to the increasing diversity of family types and their dynamic character. Family friendly working arrangements are not a women’s issue, they are a people issue. All employees irrespective of their family situation or personal responsibilities need and want to have a greater balance between their lives inside and outside work.
- This study focuses specifically on family friendly/flexible working arrangements in the workplace. Such arrangements can only form part of an overall family friendly policy that also addresses other key issues, such as the availability of affordable childcare.

## Chapter Two

### What are Family Friendly Working Arrangements?

#### 2.1 Balancing work and family life

Achievement of an effective balance by men and women between the demands of the workplace and the home is of crucial importance to the long-term welfare and development of Irish society. As the European Foundation for the Improvement of Living and Working Conditions (1998) has noted, “The family is the crucible of the formation of all of us. It needs to be protected and it needs to be expanded in terms of the support given to it. The family is undoubtedly where people learn so many of the behaviours and attitudes that employers look for – consistency, loyalty, common sense, adaptability, flexibility, the ability to relate to their peers – behaviours and attitudes which, arguably, are seminally formed in the early years of life. ... The issue of families and work is one of the key issues that will dominate the early years of the Third Millennium. Family friendly working conditions and competitiveness are not a contradiction in terms. It is important that the issues of family and work reconciliation be included in all relevant political discussions if we are to create the possibility for parents and other people with family obligations to make real choices about their lives and find arrangements which fit them and their family members” (EFILWC 1998, p.2).

This challenge is being responded to in Ireland. *Strengthening Families for Life* (1998) states that, “It is the Commission’s view that bringing about a suitable balance between work and family life is a key issue for Government and the social partners as we approach the new century” (p.133). Likewise, in *Partnership 2000*, the Government sought, in tandem with the development of a childcare strategy, to support the growth of family-friendly policies in employment. Such concerns are taken a step further by the *Programme for Prosperity and Fairness* (PPF, 2000) which provides a new *National Framework for the Development of Family-Friendly Policies at the Level of the Enterprise* (pp.42-44).

The reasons given for this prioritisation of family-friendly policies are strong and clear. “The emergence of a tightening labour market and the increased emphasis on human resources as a competitive element serve to underpin the importance of developing innovative ways of raising labour supply. Similarly, the importance of facilitating equality of opportunity for men and women in the workplace also underscores the desirability of developing policies that can assist parents in reconciling work and family life. Family-friendly policies can serve a dual purpose of contributing to the needs of the business as well as meeting the needs of employees with family responsibilities” (PPF 2000, p. 42). This study examines some of the implications of this approach in the commercial and non-commercial sectors.

## **2.2 Different types of flexibility**

However, at the very outset, it is important to operationalise what is meant by workplace family friendly working arrangements, within the specific terms of reference for this study (see Chapter One). One of the difficulties in this respect is the highly dynamic character of such arrangements. By their very nature, such arrangements are subject to on-going change and development, which is both aided and abetted by rapid technological innovation. With this caveat in mind, it remains important, however, to define the main types of working arrangements covered by this research.

Broadly speaking, these types of working arrangement can be categorised into two broad groups in terms of their different flexibilities:

- *Temporal flexibility* relates to variations in the number of hours worked and is by far the most commonly recognised form of flexible working at present in Ireland. Relevant flexible work arrangements include less than full-time working (including job-sharing and other forms of part-time working), flexitime, career breaks and term time working.
- *Locational Flexibility* relates to the choice of working location and varying the geographical location of the workplace to meet the changing needs of employers



and or employees. Such flexibilities would include teleplace and teleworking. This is a comparatively new form of flexible working which is rapidly developing with technological advances, particularly in the information technology (IT) area.

It is of course important to note that these categories are not mutually exclusive. For example, teleworking could be undertaken on a less than full-time basis. Similarly, an individual's opting for such arrangements will not necessarily remain constant over time. Indeed, the evidence indicates that an individual's preference for such arrangements often correlates closely with periods during which the achievement of an optimal balance between work and family demands is paramount.

### **2.3 Main types of temporal flexibility**

Given the comparatively large number of temporal measures on the Irish scene at present, it is worthwhile reviewing specifically each of these main types of working arrangement. The majority of arrangements geared towards improving temporal flexibility have the potential to assist employees in balancing work and family responsibilities, while at the same time enabling employers to provide more responsive services to the public in the form of longer opening hours as well as retaining valued staff who may otherwise leave (see Blyton, 1996). The potential benefits of temporal and other forms of flexible working arrangements are discussed in more detail in Chapter Three. However, in order to clarify the types of arrangements covered by this study, each of the main types of flexible working arrangement are outlined briefly below.

- *Flexitime* is one of the most common forms of temporal flexibility and allows employees to vary their starting and finishing times of work, outside a compulsory core-time, provided an agreed volume of hours are worked over a given remuneration period. For example, it became popular in the United Kingdom (UK) in the 1970s as a means of attracting and retaining staff, although evidence suggests that there has been limited expansion of flexitime arrangements in the UK since the 1980s (see Bryson, 1999). It is also worth noting that while 2.5 million employees in the UK were working flexible working hours in 1993, the

take up of flexitime is much more common among women than men. Within the Irish context, in addition to the potential benefits from a caring viewpoint, flexitime has been advocated as a partial solution to the considerable commuting problems experienced by staff in the larger urban areas, in particular Dublin with its considerable journey to work problems.

- *Job-sharing* is a key example of this type of flexibility in both Europe and the United States of America (USA) (see Fynes et al, 1996a). Job-sharing is certainly one of the longest established and most frequently adopted forms of temporal flexibility in the Irish public service (see Humphreys 1986 and Humphreys, Drew and Murphy 1999). Most typically, job-sharing refers to an arrangement whereby two employees share the same work of one full-time position, dividing pay and benefits pro rata to the time worked. Such arrangements often take the form of split weeks and split days (see Armstrong, 1997).
- Having been introduced to the Irish public service on a pilot basis in 1997/98 opportunities for *term-time working* have now been further extended across Government Departments, with similar arrangements being introduced in the wider public service. Typically, such arrangements provide for unpaid absence during the summer period (July/August) to facilitate caring responsibilities during the school holidays.
- *Annualised hours' agreements* are currently far less common in the Irish public service but are used in some commercial organisations. Such systems involve agreement between the employer and employee over the total hours worked annually. This gives management greater scope to vary the hours in any given period to match demand. For example, in the Netherlands, a number of enterprises operate shift systems, which are longer in times of heavy demand and shorter during quieter periods (see Blyton, 1996). Such arrangements also provide employees with the potential to customise their working time arrangements more effectively to meet their personal needs over a 12-monthly time frame.
- Such arrangements can also be taken a step further. Fynes et al (1996a) highlight an arrangement which they describe as '*banking leave' arrangements*. Using this system, points can be accumulated on the basis of attendance, shift or night work,

weekend or bank holiday working. Employees can convert points gained into hours, which can be banked for future use at a time that suits both parties.

- One of the most extreme examples of temporal flexibility takes the form of *zero hours* contracts. Under such arrangements, no formal commitment is made by the employer regarding the number of hours available, and the employee is on daily call, for example to cover absences or vacancies. While in principle, such an arrangement could offer employees considerable flexibility to tailor their work and other activities, the negative consequences for employees of such arrangements, include job insecurity and other limited terms and conditions of employment (see ICTU 1996).
- Finally, many organisations use *overtime* as a means of coping with variation in demand, and as an alternative to other temporal forms of flexibility such as *shift work* or *part time work*, particularly in unionised environments (see Fynes et al, 1996a).

With regard to all of these flexible working arrangements, it must be remembered, however, that in Ireland “the development of flexible work practices is still at an early stage and is to a large extent confined to the State and semi-State sectors and to a relatively small number of private companies” (Commission on the Family 1998, p. 138). Therefore, although this study embraced both the public and private sectors and interviews were carried out across a range of organisations in these sectors, public service experiences will be often cited. This is for two main reasons (a) because there is generally more experience within this sector of implementing these work arrangements over a sustained period of time and (b) more evaluative evidence is also available to be drawn upon from the public sector.

However, the research team was able to draw upon the initial results from a major new study of family friendly working arrangements in small and medium sized enterprises (SMEs) in Ireland (see Fisher 2000). Commissioned by the Department of Justice Equality and Law Reform, on behalf of the Equality Authority, this study focuses on the situation in enterprises of up to 250 staff, a sector that in total accounts for nearly 50 per cent of total employment in Ireland. Together with earlier research

focusing on the situation in the public service (see Humphreys, Fleming and O'Donnell 2000), these studies provide a wide-ranging picture of the extent, character and challenges facing the development of flexible working arrangements in the contemporary Irish labour market.

#### **2.4 A variety of measures**

As the *Programme for Prosperity and Fairness* (2000) indicates “This National Framework does not attempt to impose any single measure or model of non-statutory family friendly policy or practice. Both ICTU and employers (IBEC and Public Sector employers) are committed to the development of such policies in every practical way. There are many examples of family-friendly workplace policies and practices to choose from, depending on the needs of both employees and employers” (p. 43). A number of family friendly/flexible working arrangements are identified, under PPF (2000), as appropriate for discussion at enterprise level by agreement between employers and unions. The measures include:

- Job-sharing
- Part-time work
- Flexitime
- Flexi-place/Teleworking
- Term-time working.

For the purposes of this study, and to ensure consistency of research approach with the latest national level developments, this research focuses primarily on the main types of measure identified above by the *Programme for Prosperity and Fairness* (2000). Having defined the main types of working arrangement covered by this study, it is now important to explore some of the principal advantages and disadvantages of these arrangements, from both the employer's and employee's perspective, as indicated by existing research evidence.

## **2.5 Key messages**

The key messages identified in this chapter include:

- Achievement of an effective balance by men and women between the demands of the workplace and the home is of crucial importance to the long-term welfare and development of Irish society.
- Family friendly working conditions and competitiveness are not a contradiction in terms. Family-friendly policies can serve a dual purpose of contributing to the needs of the business as well as meeting the needs of employees with family responsibilities (*Programme for Prosperity and Fairness*, 2000).
- Bringing about a suitable balance between work and family life is a key issue for Government and the social partners as we approach the new century (*Strengthening Families for Life*, 1998).
- By their very nature, family friendly/flexible working arrangements are subject to on-going change and development, which is both aided and abetted by rapid technological innovation.
- The development of flexible work practices is still at an early stage and is to a large extent confined to the State and semi-State sectors and to a relatively small number of private companies. Such arrangements provide many different forms of temporal and locational flexibility, ranging from flexitime to teleworking. They are evolving continuously.

## **Chapter Three**

### **Why Work Flexibly?**

#### **3.1 Balanced lives**

Clare (1998) lucidly states both the aspiration and vision of what could be achieved by the effective reconciliation of work and family life. “There need be no tension between family life and occupational life. Each is so crucially dependent on the other. Family friendly policies are a first step in creating people who are more balanced and more mature, not just in their family lives, but in their occupational and professional lives as well. A rounded citizen in the Third Millennium will be someone who feels comfortable that they can express their personal skills and abilities in a work situation as part of the greater community, while at the same time being able in a mature way to form an intimate relationship and foster it. They will be able to create an environment where the next generation can be cultivated and feel as good as any human being can feel about the way they do all those things” (cited in EFILWC 1998, p.2).

#### **3.2 An international trend**

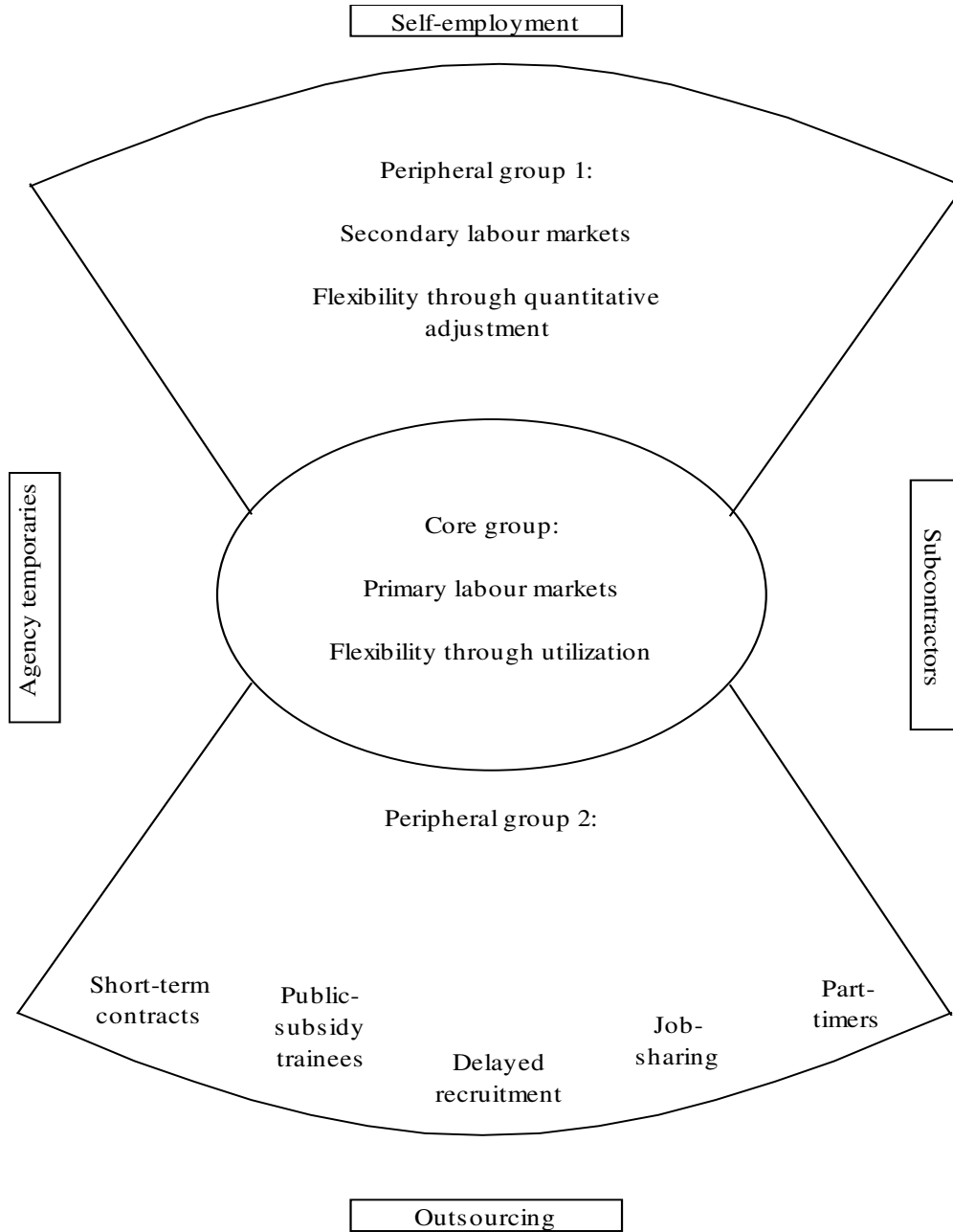
Such an important social vision also has key economic drivers. Across the European Union (EU) as well as in Ireland itself, there has grown an increasing recognition that fundamental changes in the make-up of the labour market, rapidly changing technologies and other economic and social factors have focused attention on the potential role to be played by more active promotion of flexible working arrangements in the modern workplace. While the primary interest in such developments for the purposes of this study relate to their potentially “family-friendly” role in the workplace, it is also important to understand their wider role in a rapidly changing labour market. It is also vital to gain an appreciation of the potential benefits and disadvantages that such working arrangements present, as already identified in the literature.

For example, the importance of labour flexibility as a contributor to economic growth has been highlighted by both the Organisation for Economic Co-operation and Development (OECD) and the European Union (EU) (see Blyton, 1996). Given the increase in flexible working practices that is evident in many countries, some commentators have suggested that “work as we know it may be disappearing” (see Emmott and Hutchinson (1998) p. 229). Whilst dramatic, such an observation has some justification given the decline of full-time employment, coupled with increased part-time working, and the proliferation of ‘atypical’ forms of work arrangement. At the same time, this changing emphasis from full to part-time employment has occurred hand in hand with a shift, in many national labour markets, from manufacturing to service industries, as well as with rising female participation rates (see Chapter Four). Increasing skills shortages are forcing employers to look outside the traditional pool of recruits. As a consequence, employers are increasingly adopting flexible employment arrangements in response to increasing demand for non-‘full-time work’ by existing and prospective employees.

### **3.3 The flexible firm**

It is not feasible to discuss conceptual approaches to flexible working without reference to the work of Atkinson (1984), who developed the concept of “the flexible firm” in the recognition of changes which had taken place in the nature and composition of the workforce at that time. In the model of the “flexible firm” (see Figure overleaf), Atkinson propounded the concept of “core” versus “peripheral” workers. Core workers are a permanent component of a firm’s workforce who deliver functional flexibility through their capacity to undertake a wide range of tasks. In contrast, peripheral workers provide a firm with numerical flexibility, with their numbers increasing or reducing with changing labour market conditions. The flexible firm approach involves a reorganisation of a firms’ internal labour markets and their division into separate components, wherein workers’ experiences and employer’s expectations are increasingly differentiated (see Atkinson and Gregory 1986).

**Figure: The Flexible Firm**



Source: Atkinson (1984)



Bryson (1999) argues that training/development and the involvement of employees are more likely to be directed at core workers, while ‘peripheral’ workers will be exposed more and more to ‘raw’ market forces. In times of recession, peripheral or non full-time workers are much more susceptible to lay-offs and redundancies. It is not insignificant that atypical workers, including those job-sharing, working part-time or on short-term contracts, are very clearly located on the periphery of the workforce under this approach.

There is little doubt that the flexible firm model was influential in the development of employment policy in UK private and public sector organisations in recent years (see Lawton and Rose 1994). The extent to which this placement of atypical workers as peripheral workers truly reflects the reality of life in Irish organisations remains to be seen. There is certainly evidence to show that, in the Civil Service, opting for flexible, family friendly working arrangements, such as job-sharing, is perceived as unlikely to enhance longer-term career prospects (see Humphreys, Drew and Murphy 1999). However, what is clear is that, given the frequent gender differentiation between core and periphery workers, it is absolutely vital from both the equality and ‘family-friendly’ viewpoints that flexible working arrangements move in from the periphery to the core of organisational activity and thinking.

### **3.4 Employer benefits from flexible working**

Bryson (1999) argues that while concepts such as the flexible firm can be useful in shedding light on changes in the nature of work and work organisation, they may be less useful in explaining the issues facing managers in organisations regarding how best to manage and utilise labour to achieve organisational objectives. It is useful therefore, to consider how macro-level trends can influence practical choices at organisation level in the introduction of flexible working arrangements by employers (see Emmott and Hutchinson 1998).

These influences can be broadly considered under a number of headings:

- Increased competition, which puts pressure on organisations to reduce long-term investment in labour costs, for example through the use of short and fixed term contracts.
- Information technology (IT) – for example ‘teleworking’ is made possible through IT by the use of networked computers using Intranet and Internet technologies. Similarly, Claydon (1997) argues that the acceleration of technological change implies that traditional job descriptions have been eroded and thus there is a need to reorganise work accordingly along more flexible lines.
- Changing trends in labour demand and supply give rise to changes in both the types of employment and employees available. In a discussion of this issue, Bryson (1999) suggests that “there has been growing pressure from groups who find it hard to comply with a full-time nine to five routine” (p. 70). As a consequence of such changes in labour supply, employers are increasingly adopting more flexible arrangements for the utilisation of labour, such as part-time work and job-sharing (see Blyton 1996 and Claydon 1997).
- Government and EU policies, e.g. legislation on working time, part time employment, which either preclude or encourage the adoption of flexible working and family friendly arrangements (see Chapters Five and Six).

A range of advantages for employers with regard to the use of flexible working practices can be identified (see Emmott and Hutchinson, 1998, and Fynes et al, 1996a) as follows:

- ability to match work provisions more closely with customer/product demand;
- reduced fixed costs e.g. teleworking;
- aids recruitment and retention of employees;
- increases productivity and efficiency;
- improves staff morale;
- reduces stress and sick leave;
- reduces absenteeism; and
- provides a wider pool of potential employees.

The benefits and shortcomings of flexible, family-working arrangements are discussed in more detail in Chapter Seven.

### **3.5 Employee benefits from flexible working**

Emmott and Hutchinson (1998) highlight survey evidence which indicates that, from the employee's perspective, flexible working can result in increased motivation and job satisfaction, and the ability to balance more effectively work and family responsibilities. These authors also argue that "as women form a larger part of the workforce, many employers have developed family-friendly policies which effectively 'customise' working patterns to suit employee's individual circumstances" (p. 238).

This argument suggests that the introduction of flexible work arrangements has the potential to provide greater equality of opportunity for women, in the form of enhanced access to employment. The literature is, however, divided on the link between flexible working arrangements and addressing inequality. Writers such as Legge (1998) have warned that the introduction of job-sharing and other arrangements to assist employees in balancing work and family demands may serve to collude with the unequal distribution of domestic and childcare tasks, thus further reinforcing the vertical and horizontal segregation of women in the workforce. Legge (1998) also points out that the majority of part-time jobs tend to predominate in the services sector, a sector which she argues is notorious for low pay and the unskilled nature of work.

Legge (1998) suggests that in the public service, part-time workers tend to be clustered in the lower levels of such skilled and professional work as is available to them. It is also suggested that non full-time work can also limit opportunities for promotion and result in unequal treatment e.g. pay, benefits (see Emmott and Hutchinson, 1998). Finally, Brewster (1998) stresses that while flexible working practices can provide additional opportunities for employees to balance work and family responsibilities, there are risks to the individual including potential discrimination, and increased insecurity. Given the predominance of women in the lower grades of the Irish Civil Service, and the perceived detrimental impact of

atypical working practices upon career progression, the foregoing arguments need to be addressed from a gender equality perspective (see Humphreys, Drew and Murphy 1999).

### **3.6 Resistance to flexible working**

The introduction of flexible, family friendly working arrangements implies change. As with any change process, resistance is inevitable (see Huczynski and Buchanan, 1991). Resistance may come from a number of sources. For example, where the implementation of flexible working arrangements is employee-driven, employers may not perceive that there are benefits in such arrangements for them. Concerns of employers in relation to such initiatives may include increased training costs, higher direct costs (part timers who receive pro-rata benefit), communications difficulties, and the increased challenges presented by managing a flexible workforce (see Emmott and Hutchinson, 1998).

Research also suggests that while senior management may adopt and encourage the use of flexible working arrangements, it is often less senior managers who may resist innovative programmes and policies, since they tend to focus on what they believe will be in their short-term best interest when making decisions as to whether subordinates should avail of such policies. Thus, first line managers are seen as one of the key groups who must buy in to changes in the nature of work arrangements (see Powell, 1996).

Unions and other staff representatives may also resist the introduction of flexible working arrangements. It has been suggested that trade unions in Ireland and the UK have been slow to respond to the changes implied in the use of flexible working in comparison to Nordic Countries (see Brewster 1998). This problem may be exacerbated by the fact that part time workers and those in atypical employment tend to be characterised by lower levels of unionisation than workers on full-time conventional contracts (see Roche, 1994). Similarly, Fynes et al (1996a) argue that unions may fear that demands for more flexible working will erode their bargaining

position, and thus unions are often reluctant to reconsider the standard, 'male oriented' working week.

Finally, employees themselves may resist and fear the introduction of flexible working arrangements. As indicated above, those working in some forms of atypical employment may be more exposed to issues such as job insecurity, and inequality in areas such as pay and conditions of employment. The policy and legal issues raised by flexible working arrangements are discussed in more detail in Chapters Five and Six. Above all, such concerns need to be addressed constructively through a partnership approach.

### **3.7 Key messages**

A number of key messages emerge from this analysis:

- Family friendly policies are a first step in creating people who are more balanced and more mature, not just in their family lives, but in their occupational and professional lives as well.
- Across the European Union (EU), there is a growing recognition that fundamental changes in the labour market, rapidly changing technologies and other economic and social factors focus attention on the potential role to be played by more active promotion of flexible working arrangements in the modern workplace.
- Employers are increasingly adopting flexible employment arrangements in response to increasing demand for non-'full-time work' by existing and prospective employees. Previous research identifies key potential benefits for employers and employees alike.
- However, the introduction of flexible, family friendly working arrangements implies change. As with any change process, resistance is inevitable. Such areas of concern need to be addressed constructively through a partnership approach.

- Above all, it is absolutely vital from both the equality and ‘family-friendly’ viewpoints that flexible working arrangements move in from the periphery to the core of organisational activity and thinking.

## **Chapter Four**

### **How Much Working is Flexible?**

#### **4.1 Data shortcomings**

“Statistics are used to raise consciousness and provide an impetus for change, to provide a foundation for policies, programmes and projects and to monitor and evaluate such policies and measures” (Hedman et al 1996, p.9). Effectively, what is counted counts. Regrettably, there are real problems when attempting to quantify satisfactorily the extent of family friendly/flexible working arrangements at international and national levels, due to limitations in the available data. These shortcomings in the availability of reliable and authoritative statistics greatly limit the extent to which a comprehensive picture may be obtained of the extent and character of these arrangements. Such shortcomings have significant implications for the informed development of family-friendly policies and strategies.

Statistical systems at present are outdated in their approach to the more diverse forms of working arrangements that characterise the modern labour market. Simply recording a job, regardless of the hours worked, is not only potentially misleading in its presentation of labour market trends, it also can render invisible the particular roles played by staff working less than full-time, many of whom are female and trying to juggle work and family commitments. As the Beijing Platform for Action (1995) makes clear, it is vitally important for governments to “use more gender-sensitive data in the formulation of policy and implementation of programmes and projects”.

At present, the significant gaps in official statistics, and the limited availability of administrative statistics on flexible working arrangements, mean that reference also needs to be made to reliable data gathered from independent research surveys (see Humphreys, Drew and Murphy 1999). Inevitably, however, statistical comparisons across individual survey results have to be undertaken with care.

## 4.2 Flexible working arrangements in a European context

Despite the limitations and shortcomings of existing statistical data sources, it is still important for the later in-depth discussion of family friendly working arrangements that as clear an understanding as possible is gained of their quantitative extent and character. At the EU-level, in addition to important associated issues (e.g. gender and age-differentiated participation rates), relevant statistics are available on full- and part-time employment, hours of work and permanent/temporary employment for the labour market as a whole<sup>1</sup>.

**Table One: Persons in Full-time/Part-time Employment by Economic Sector**

Category	IRL	UK	FIN	NL	I	EU-15
<b>Males and Females (1000)</b>						
<b>Agriculture</b>	<b>149</b>	<b>493</b>	<b>164</b>	<b>251</b>	<b>1307</b>	<b>7434</b>
Full-time	139	400	134	172	1140	6286
Part-time	10	93	30	78	167	1140
<b>Industry</b>	<b>391</b>	<b>7133</b>	<b>579</b>	<b>1548</b>	<b>6348</b>	<b>44059</b>
Full-time	375	6553	558	1291	6088	41145
Part-time	16	580	21	254	259	2891
<b>Services</b>	<b>829</b>	<b>18895</b>	<b>1369</b>	<b>4967</b>	<b>12377</b>	<b>98030</b>
Full-time	686	12945	1176	2881	11390	76909
Part-time	142	5946	190	2074	987	21015
<b>Total</b>	<b>1373</b>	<b>26612</b>	<b>2120</b>	<b>7186</b>	<b>20032</b>	<b>150070</b>
Full-time	1203	19945	1874	4444	18618	124514
Part-time	169	6630	242	2726	1414	25384



**Table One (Continued)**

Category	IRL	UK	FIN	NL	I	EU-15
<b>Females (000s)</b>						
<b>Agriculture</b>	<b>19</b>	<b>125</b>	<b>53</b>	<b>65</b>	<b>428</b>	<b>2527</b>
Full-time	14	64	43	18	346	1827
Part-time	5	62	10	47	82	698
<b>Industry</b>	<b>92</b>	<b>1573</b>	<b>139</b>	<b>257</b>	<b>1543</b>	<b>9941</b>
Full-time	83	1145	130	123	1382	7863
Part-time	9	428	9	132	161	2068
<b>Services</b>	<b>423</b>	<b>10201</b>	<b>808</b>	<b>2425</b>	<b>5251</b>	<b>50128</b>
Full-time	313	5352	669	787	4504	32716
Part-time	110	4848	137	1630	747	17341
<b>Total</b>	<b>535</b>	<b>11927</b>	<b>1005</b>	<b>2972</b>	<b>7222</b>	<b>62865</b>
Full-time	411	6567	845	951	6232	42447
Part-time	124	5347	157	2010	990	20321

Source: Eurostat LFS 1997, Table 052

As Table One indicates, the vast majority (83 per cent) of those in employment throughout the European Union work full-time, with the proportion being highest in the agricultural and industrial sectors<sup>2</sup>. Conversely, if the proportion of those in employment working part-time is used as an indicator of a degree of employment flexibility, then service industries offer the greatest deviation from the full-time norm. However, it is important to note that, compared to the EU average, nearly 88 per cent of Ireland's employment is full-time. Although lower than Italy and Finland, this proportion is substantially higher than that in the Netherlands and UK<sup>3</sup>. In fact, full-time employment in Ireland is higher than the EU average in all three major industrial sectors. In contrast, part-time employment in the services-sector was significantly lower in Ireland (17 per cent) than in either the Netherlands (42 per cent) or UK (32 per cent).

Although still not providing the majority of employment in any EU Member State or in any major sector of economic activity, part-time employment is not only significant in the services sector, it is also a working arrangement overwhelmingly undertaken by women. In the EU as a whole, part-time working accounts for only 6 percent of male employment but 33.3 per cent of female employment, with the comparative proportions for Ireland being almost identical (see Table One). While in Ireland women are four times more likely to work part-time than men, it is also important to note that, together with Finland and Italy, Ireland has a very high proportion of its females in employment working full-time. The proportion of women working full-time in Ireland (77 percent) is markedly higher than the EU average (68 percent).

In terms of understanding the potential future demand for such work, it is also important to note that there are marked gender differences in the stated reasons for working part-time (see Table Two). In the EU generally, as well as Ireland specifically, most men work part-time because they do not want a full-time job or are unable to find full-time work or are undertaking school education/training. In the EU and Ireland, most women state that they are working part-time because they do not wish to have a full-time job or for other reasons, e.g. because of difficulties balancing work and family responsibilities. The gendered nature of part-time working is therefore closely associated with the unequal division of caring responsibilities between the sexes.

**Table Two: Part-time Working by Reason**

Category	IRL	UK	FIN	NL	I	EU-15
<b>Males and Females (1000)</b>						
Undergoing school education/training	21	952	68	464	44	2409
Own illness/ disability		93	9	125	29	619
Could not find a full-time job	43	812	91	151	536	4989
Did not want full-time job	36	4698	45	1986	356	14850
Other reasons	63		30		414	2104
No reason	(4)	75			35	413
Total	169	6630	242	2726	1414	25384

**Table Two (continued)**

Category	IRL	UK	FIN	NL	I	EU-15
<b>Females (1000)</b>						
Undergoing school education/ training	11	531	38	222	25	1251
Own illness/ disability		49	(3)	57	13	343
Could not find a full-time job	22	506	63	93	341	3635
Did not want full-time job	30	4213	30	1638	271	13094
Other reasons	58		23		322	1719
No reason		47			19	278
<b>Total</b>	124	5347	157	2010	990	20321

Eurostat LFS 1997, Extract from Table 059

In addition, similar gender differences are reported with regard to the reasons for working in a temporary job (see Table Three). Most men are working on a temporary basis because they have been unable to find a permanent job. However, a comparatively high proportion of women in Ireland (32 per cent) is working on a temporary basis because they do not wish to have a permanent job. This proportion is three times the EU average (10 per cent) and again is likely to be indicative, in part at least, of the particular difficulties of balancing responsibilities outside the workplace with a permanent job.

**Table Three: Temporary Working by Reason**

Category	IRL	UK	FIN	NL	I	EU-15
<b>Males and Females (1000)</b>						
Contract covering a period of training	17	88	31	11	295	3018
Could not find permanent job	54	663	234	331	592	6157
Did not want permanent job	25	497	33	328	44	1203
Contract for probationary period	6		6		42	620
No reason given		434	(4)	47	201	4135
<b>Total</b>	102	1683	306	717	1173	15133

**Table Three (continued)**

Category	IRL	UK	FIN	NL	I	EU-15
<b>Females (1000)</b>						
Contract covering a period of training	9	39	14	(3)	132	1328
Could not find permanent job	27	313	136	185	261	2782
Did not want permanent job	19	318	17	184	26	712
Contract for probationary period	(4)		(3)		17	267
No reason given		239		25	100	2051
<b>Total</b>	<b>59</b>	<b>910</b>	<b>172</b>	<b>398</b>	<b>537</b>	<b>7139</b>

Source: Eurostat LFS 1997, Table 064

Despite the comparative inflexibility of the Irish job market in EU terms, at least with regard to the extent of part-time working, “the dramatic increase in the participation of married women, particularly young married women, in paid employment is one of the most striking changes to have occurred in Irish society over the past 25 years” (O’Connor 1999, p. 188). As the CSO (1997) has noted, “In the 25 years from 1971 to 1996 the number of women at work grew by 212,000 ... this compares with growth of just 23,000 in male employment over the same twenty five years” (p.1). However, this growth has taken place from a comparatively low base and activity rates for women are still comparatively low by EU standards (see Table Four)<sup>4</sup>.

Male activity rates in Ireland are generally higher than the EU norm, particularly for older men and those who are married. However, female activity rates are, in contrast, markedly lower than the EU average, especially for married women of child rearing age (25-49 years). The fact that activity rates for single females remain much higher, throughout their age span, and close to the EU average, suggests that the impact of caring responsibilities of female labour market participation in Ireland remain significant.

**Table Four: Women at Work by Industry (NACE Rev.1)**

Category	IRL	UK	FIN	NL	I	EU-15
<b>Females (1000)</b>						
Agriculture (A,B)	19	125	53	65	428	2527
Mining & quarrying (C)		13			(6)	63
Manufacturing (D)	83	1355	127	222	1409	8661
Electricity, gas & water supply (E)		40	(3)	5	26	227
Construction (F)	6	165	9	29	102	990
<b>Total industry (C-F)</b>	<b>92</b>	<b>1573</b>	<b>139</b>	<b>257</b>	<b>1543</b>	<b>9941</b>
Wholesale & retail trade, repairs (G)	85	2025	112	480	1167	10213
Hotels & restaurants (H)	44	731	41	114	412	3219
Transport & communication (I)	14	411	46	91	199	2102
Financial intermediation (J)	28	617	41	106	241	2458
Real estate & business activities (K)	36	1102	74	288	450	5010
Public administration (L)	27	713	53	173	521	4779
Other services (M,N,O,P,Q)	191	4602	441	1173	2263	22347
<b>Total services (G-Q)</b>	<b>423</b>	<b>10201</b>	<b>808</b>	<b>2425</b>	<b>5251</b>	<b>50128</b>
Not stated		28	(4)	225		269
<b>Total</b>	<b>535</b>	<b>11927</b>	<b>1005</b>	<b>2972</b>	<b>7222</b>	<b>62865</b>

Source: Eurostat LFS 1997, Table 040

Such a situation is presumably exacerbated by the comparatively longer hours worked by both women and men in Ireland compared to the EU average (see Table Five). Long working hours for men can militate against their greater involvement in the sharing of caring and other responsibilities. Long working hours for women could likewise act as a deterrent to greater labour market involvement by those currently both inside and outside the labour market. Average hours usually worked per week are higher for men and women in agriculture, industry and a number of service industries than the EU norm. In this regard it is worth noting that females working in public administration in Ireland, where flexible working arrangements are most common, work an average of five hours per week longer than their Dutch colleagues do. To some extent, this difference will reflect variations between Member States in the level of part-time working.

**Table Five: Usual Hours Worked by Industry (NACE Rev.1)**

Category	IRL	UK	FIN	NL	I	EU-15
<b>Males (Hours)</b>						
Agriculture (A,B)	46.0	46.7	39.9	33.4	40.1	41.7
Mining & quarrying (C)	43.5	52.7	(40.0)	42.6	41.3	42.3
Manufacturing (D)	41.3	44.7	39.4	37.2	40.4	40.3
Electricity, gas & water supply (E)	39.3	43.6	38.9	38.3	39.2	39.8
Construction (F)	40.9	45.6	39.4	38.8	40.7	40.8
<b>Total industry (C-F)</b>	<b>41.1</b>	<b>45.0</b>	<b>39.4</b>	<b>37.7</b>	<b>40.4</b>	<b>40.5</b>
Wholesale & retail trade, repairs (G)	40.1	40.7	38.5	35.1	41.7	40.1
Hotels & restaurants (H)	38.6	36.2	32.7	26.6	42.9	39.4
Transport & communication (I)	41.8	46.3	39.8	37.6	40.0	41.5
Financial intermediation (J)	41.5	44.0	38.6	37.7	39.5	40.9
Real estate & business activities (K)	41.8	44.4	38.2	37.1	40.1	40.9
Public administration (L)	40.4	42.0	38.5	37.4	37.0	39.3
Other services (M,N,O,P,Q)	35.1	41.0	36.4	35.9	35.1	37.4
<b>Total services (G-Q)</b>	<b>39.2</b>	<b>42.3</b>	<b>38.0</b>	<b>36.1</b>	<b>38.5</b>	<b>39.7</b>
<b>Total</b>	<b>40.3</b>	<b>43.4</b>	<b>38.7</b>	<b>36.1</b>	<b>39.4</b>	<b>40.0</b>
Category	IRL	UK	FIN	NL	I	EU-15
<b>Females (Hours)</b>						
Agriculture (A,B)	35.3	29.3	35.1	22.4	35.5	35.4
Mining & quarrying (C)		37.7			(38.3)	35.7
Manufacturing (D)	37.8	36.1	38.3	29.5	38.0	36.0
Electricity, gas & water supply (E)		35.8	(38.5)	29.8	36.2	35.9
Construction (F)	36.6	30.8	34.5	29.2	35.8	33.5
<b>Total industry (C-F)</b>	<b>37.7</b>	<b>35.6</b>	<b>38.1</b>	<b>29.4</b>	<b>37.8</b>	<b>35.7</b>
Wholesale & retail trade, repairs (G)	32.4	26.2	34.5	24.3	36.2	31.1
Hotels & restaurants (H)	30.0	25.0	33.9	20.0	35.3	31.4
Transport & communication (I)	38.2	35.3	36.7	27.6	36.8	34.8
Financial intermediation (J)	36.6	34.7	36.2	30.4	36.3	35.0
Real estate & business activities (K)	35.8	32.6	33.2	27.3	34.3	32.5
Public administration (L)	35.5	34.2	35.9	30.4	34.8	34.5
Other services (M,N,O,P,Q)	30.9	30.3	36.1	25.1	30.7	31.2
<b>Total services (G-Q)</b>	<b>32.5</b>	<b>30.1</b>	<b>35.6</b>	<b>25.7</b>	<b>33.1</b>	<b>32.0</b>
<b>Total</b>	<b>33.5</b>	<b>30.9</b>	<b>35.9</b>	<b>25.2</b>	<b>34.3</b>	<b>32.6</b>

Source: Eurostat LFS 1997, Table 072

The significance of long working hours for the more widespread introduction of flexible, family-friendly working arrangements cannot be overlooked. In her major study of working time in the UK, Marsh (1991) documents the long hours of work by many respondents. More than a quarter of men worked more than 50 hours per week compared with eight per cent of women working full-time. From a policy perspective, she concluded that “One of the most striking aspects of the Survey results is the very long hours that men commit to the activity of paid work ... There seems no way in which a work pattern involving such a long commitment to paid employment could be emulated by anyone who had a major responsibility for children” (p.x). While the precise statistics would vary, there is little reason to assume that such a similar situation does not apply in Ireland.

In addition, growth of a long-hours culture is a well-documented phenomenon in many EU countries. In a recent UK-wide survey for the Rowntree Foundation, Burchell et al (1999) found that two-thirds of employees said that they ‘always’ or ‘regularly’ worked longer than their basic working hours; just over 30 per cent of full-time male employees were regularly working more than 48 hours per week. Moreover, 39 per cent of all interviewees claimed that their working hours had increased over the past five years, while only 15 per cent said their hours had declined.

### **4.3 Flexible working in non-commercial organisations**

It is clearly indicated by the *Programme for Prosperity and Fairness* (2000), that the development of family-friendly working arrangements has been most advanced to date in the Irish public service. This trend is extremely important, given the crucial role still played by the public service in the wider labour market. Although CSO (1997) estimates indicate that the importance of direct public sector employment within the national labour market has declined, relative to the private sector, over the past decade, it still accounts for over 20 per cent of all non-agricultural employment. Within the public sector overall, commercial sector bodies have declined in employment terms more significantly than non-commercial bodies. Similarly, within the public service, there is significant intra-sectoral variation. Thus, while

employment has grown in the education and health services sectors, it has remained largely static in local government and has declined in the Defence Forces.

Although a far more restricted category, it is also interesting to note that within ‘public administration and defence’, LFS data indicate that there were also significant gender differences in these trends over time. For example, between 1987-1997, although total male and female employment increased by 12 per cent and 46 per cent respectively the situation in public administration and defence appears to have been very different. Between 1987-1997, total males in work in this sector declined by seven per cent and total females employed in the sector increased by 37 per cent (see Ruane and Sutherland 1999).

Such apparent comparative feminisation of the public service workforce in recent years has, however, to be placed in context. As *Delivering Better Government* (1996) makes clear, “... many women employees are concentrated at the lower levels where their potential is underused and women are not adequately represented at the most senior management levels in the Irish Civil Service” (p. 47). In fact, employment patterns within the Civil Service are highly gendered. As Ruane and Sutherland (1999) observe, “The total number of people employed within the Civil Service at the end of 1996 was just under 30,000, with 49 per cent of these being female ... The overwhelming majority of women in 1996 were employed at the level of Clerical Officer (CO) and Clerical Assistant (CA). Women also make up the majority of those employed at Staff Officer (SO) and Cleaner grades” (p. 74). The same authors also note similar patterns of female under-representation at more senior levels in local government, the medical and educational professions, an Garda Síochána and the Defence Forces. It is important to establish this overall framework because of its significance for understanding the pattern of flexible working as it currently exists in the Irish public service.

#### *4.3.1 Jobsharing*

Although they relate only to the industrial grades in the Civil Service and are limited in their scope, data from the CEN-SIS provide the most reliable and detailed



information available on those opting for flexible working arrangements<sup>5</sup>. The June 1997 CEN-SIS data provides information on current and former job sharers (see Humphreys, Drew and Murphy 1999). Of the 2,359 sharers recorded at that time, only 112 or five per cent were men<sup>6</sup>. Of the total women jobsharing (2,247), 42 per cent were doing so to care for members of their family and a further 22 per cent cited other domestic reasons<sup>7</sup>. Only 13 women, less than one per cent, were job-sharing in order to study. In comparison, 16 per cent of the small number of male job-sharers were doing so for study reasons. However, it is also important to note that 36 per cent of male job sharers were doing so for family care reasons<sup>8</sup>. Given the gendered nature of participation in job sharing arrangements currently, and the preponderance of women in the lower grades of the Civil Service noted above, it is not perhaps surprising that clerical staff (CA/CO) account for two-thirds of all jobsharers, with only nine per cent at Higher Executive Officer (HEO) level and above. At that time there were no jobsharers at Principal Officer (PO) level and above.

#### *4.3.2 Career Breaks*

Using the same data source, quite a different picture exists with regard to career breaks compared to jobsharing (see Humphreys, Drew and Murphy 1999).

- Take up is much lower, with only 616 staff recorded as having taken career breaks: i.e. this arrangement was only one quarter as popular as job-sharing.
- A much higher proportion (26 per cent) of those on career breaks was in the higher grades of HEO and above.
- The gender balance of participants was also more even with 40 per cent of participants being male.
- However, distinct gender differences remained with regard to the motivation for taking a career break. Compared to only 13 per cent of men, 38 per cent of women on career breaks did so for care of the family and other domestic reasons. In contrast, men tend to take career breaks to broaden their future career options.

#### **4.4 Flexible working in large commercial companies**

Unfortunately, it is more difficult to obtain an authoritative picture of the extent and character of flexible, family friendly working arrangements in Irish commercial organisations, in both the private and public sectors. Individual companies have made public their experiences with flexible working arrangements in order to help encourage their evaluation and wider adoption. Such firms include Aer Rianta, Akzo Nobel Organnon (Ireland), Allied Irish Bank (AIB), Bank of Ireland, the Electricity Supply Board (ESB), First Active, Microsoft, An Post and Voluntary Health Insurance (VHI).

In a survey of *Equal Opportunities in the State-Sponsored Sector* (1999), which includes the large commercial as well as the smaller non-commercial bodies, the following pattern emerges:

- 46% of organisations indicated that flexitime was available, although only 10% of the total semi-state workforce were employed on a flexitime basis.
- jobsharing was available in 49% of organisations, although only 1% of staff jobshared.
- 52% of organisations reported staff on career break, although take up of career breaks was less than 1%.
- Only 4% of jobs were part-time.

Overall a similar pattern of involvement with flexible working arrangements was indicated to that in the Civil Service. Participation profiles for part-time, flexitime, job-sharing and career breaks were predominantly in the lower clerical grade posts, which are also overwhelmingly female. With the exception of clerical staff, however, some interesting variation is apparent. Part-time work is most typical of semi-skilled, and catering/cleaning and allied services. Flexitime work is more typical of junior and middle management grades. Career breaks are most frequently availed of by professional staff.

#### **4.5 Flexible working in small and medium sized enterprises (SMEs)**

Similar patterns are also evident in the SME commercial sector. Fisher (2000) estimates that 53% of small to medium-sized enterprises operate one or more family friendly work arrangements, although the overall number of employees involved with such measures remains small. In this respect it is also important to distinguish between the situation in small firms (i.e. upto 50 staff) and medium sized firms (51-250 staff). Although 98% of all Irish firms are small, with 90% employing less than 10 staff, only 49% had one or more family friendly working arrangements. This compares with 60% of medium sized firms.

Overall, SME employers perceive such arrangements as applying mainly to female staff to help with childcare. Accordingly, such arrangements predominate in those companies with a predominantly female workforce and/or in clerical and administrative grades. They were not generally felt to be appropriate in production industries. Likewise, very few SMEs have either established formal policies for their staff or have undertaken any formal evaluation of their operation. Most believe that such arrangements should be provided to employees on an ad hoc and case-by-case basis. Indeed, at present, most family friendly/flexible working arrangements had arisen as a result of requests from staff. Although uptake has been limited, Fisher (2000) observes that “There is almost universal interest among SME employers in finding out more about the arrangements and in being advised as to what other employer organisations are doing in that context” (p. 13).

#### **4.6 Key messages**

Drawing upon the above analysis of international and national statistics and survey results to assess the extent and character of flexible and innovative working arrangements in Ireland and the wider European Union, a number of key messages can be identified:

- There are real problems when attempting to quantify satisfactorily the extent of family friendly/flexible working arrangements at international and national levels,

due to limitations in the available data. Such shortcomings have significant implications for the informed development of family-friendly policies and strategies. Effectively, what is counted counts.

- As far as can be ascertained from the limited data available, engagement with flexible arrangements at present is highly gendered, e.g. in relation to part-time working, job sharing, temporary working and career breaks. In particular, arrangements involving reduced working hours are significantly associated with female staff who may be attempting to reconcile the demands upon their time both inside and outside work. In the private sector these arrangements tend to be less formalised than in the more unionised public service.
- Full-time working remains the norm throughout the EU generally and Ireland specifically. For example, less than full-time working remains a minority activity in each EU Member State, although it is significantly less common in Ireland than other Member States like the Netherlands.
- Part-time working is growing in importance in the services sector throughout Europe and is linked inextricably with overall employment growth and, in particular, the dramatic increases in female labour market participation.
- There is evidence, from the SME sector for example, that there is a knowledge gap as to the potential benefits of family friendly/flexible working arrangements and an interest in sharing information on best practice developments.

## **Chapter Five**

### **Changing Policy Perspectives**

#### **5.1 Policy overview**

As the preceding analysis in Chapter Four makes clear, the employment “norm” in both the public and private sectors, both nationally and internationally, remains non-flexible and, by implication, comparatively unfriendly to those employees seeking to achieve an effective work life balance. While available statistical evidence also indicates a growth in “atypical” forms of employment in Ireland as elsewhere, it is important to understand the different policy contexts within which family-friendly/flexible working arrangements have developed in Ireland to date.

Over the past two decades, policy approaches to promoting the types of working arrangement covered by this research have had a number of different emphases over time:

1. ‘Traditional’ Flexible Working Arrangements
2. Worksharing
3. Equality of Opportunity
4. Employer of choice
5. Rapid technological innovation

Although the last two approaches are particularly relevant to understanding some of the current foci in the debate on family friendly working arrangements, it is valuable to outline also some of the earlier thinking which lay the foundations for the current position.

## **5.2 'Traditional' flexible working arrangements**

As was noted earlier, in the discussion of the 'flexible firm' (see Figure p.24) 'atypical' working arrangements have been, and are likely to continue to be, a common feature of employment in the commercial sector, because of the flexibility they provide to employers in matching consumer demand for their products and services with labour supply. This is particularly true in the services sector, such as retailing, as well as productive industries subject to periodicity of market. Such labour market flexibility is seen as a continuing pre-requisite for sustained economic growth. In their document entitled, *Social Policy in a Competitive Economy*, the Irish Business and Employers Confederation (IBEC) support the view that "Old fashioned regulation, reflecting old mass production methods, static skills and old work patterns, does not allow us to change fast enough to absorb new processes, new skills, new products, new markets and new labour force profiles" (p.14).

In the public service, the norm has traditionally been full-time, permanent employment (see Humphreys, Fleming and O'Donnell 2000). Throughout the Civil Service, part-time employment has always been of very limited numerical importance, particularly amongst non-industrial grades. In the past and prior to their privatisation, such staff would typically have been female office cleaners and male staff working in posts and telecommunications. In the industrial grades, temporary, seasonal/casual industrial employment on the land or in forestry was predominantly male. In local government, casual and/or part-time employment was and is largely associated with fire fighters and male building workers on road and bridge schemes. In contrast, temporary and/or part-time employment plays a significant role in the primary, secondary and vocational and higher education sectors amongst teaching and administrative staff, as well as in the health services.

## **5.3 Worksharing**

In addition to the 'traditional' areas of atypical employment in the commercial and non-commercial sectors, a deteriorating public expenditure situation led to increasingly severe restrictions being introduced to permanent full-time recruitment in

many branches of the public service during the 1980s. Within a national labour context of a significant over-supply of labour, expressing itself through high levels of unemployment, underemployment and net out-migration, increasing policy interest arose, as elsewhere across Europe, in the potential for the reorganisation and/or redistribution of working time to create additional employment opportunities, i.e. worksharing (see Humphreys 1986).

In order to encourage net job-creation, new flexible working arrangements were introduced for the first time into the Irish public service in 1984. “Arising out of decisions of the Government Task Force on Employment, schemes of career breaks and job-sharing have been introduced in the civil service. These provide new job opportunities for young people in the civil service and, at the same time, facilitate staff who wish to avail of the new arrangements” (*Serving the Country Better* 1985, p.65). The Government’s stated intention at that time was to see such initiatives rolled out through the wider public service and this objective it achieved with some success (see Humphreys 1986). “The recently introduced schemes of career breaks and job-sharing ... will also facilitate staff wishing to combine a career and family responsibility, as will flexible hours” (*Serving the Country Better* 1985, p. 44).

Though the public expenditure situation improved in the 1990s, the value of adoptin a worksharing approach was still finding expression in government thinking. For example, in the mid-1990s, as part of a continuing concern to help relieve problems of high unemployment, the potential role of flexible and innovative working arrangements was once more re-assessed in the commercial and non-commercial sectors (see National Economic and Social Forum, 1996). “Much of the present trend towards greater working time flexibility is driven by cost reduction pressures and not to increase the number of persons in employment. An issue for employment policy ... is whether and to what extent working time could be re-organised, without adversely affecting cost competitiveness or the interests of employees, in ways which would create additional work opportunities, especially for the long-term unemployed ... Worksharing may also involve social and cultural benefits associated with enabling individuals to achieve a better balance between working time and life outside employment. These should not be seen as exclusively relevant to women who at

present do account for most of the incidence of non-standard working time. The social partners will also have an important role to play in the encouragement and promotion of worksharing" (Department of Enterprise and Employment 1996, p. 71/72).<sup>9</sup>

#### **5.4 Employment equality**

During the latter half of the 1980s, as the public expenditure and employment situations worsened, the policy approach to flexible working arrangements shifted once more, particularly in the public service. Rather than being explicitly promoted as a tool for employment creation, the job-sharing and career break schemes in particular became seen as a key element in the "family friendly approach" being adopted by the Civil Service, under its *Equal Opportunities Policy and Guidelines* (1986). "The job-sharing and career break schemes have a contribution to make in enabling staff in general to combine work and family responsibilities. Flexible working hours can also make an important contribution in this area. Where circumstances permit Departments should consider the introduction or extension of this arrangement. Departments should actively promote these and future arrangements at all grades and encourage staff to consider these options where appropriate" (Sections 32-34).

In this regard, it is important to note that, within the Civil Service industrial relations framework, the General Council Sub-Committee on Equality has expressed concern about the reluctance of managers in some Departments/Offices to facilitate career breaks and jobsharers, as well as its restriction in practice to certain grade groups and the negative perception of jobsharers amongst management and work colleagues alike. Despite these acknowledged shortcomings, flexible working arrangements have continued to be perceived as a cornerstone of "family friendly" employment policies.

Most recently, the need to update the 1986 Equal Opportunities Policy and Guidelines, including its "family-friendly" provisions, in the light of identified shortcomings is leading to a fresh appraisal by the Gender Equality Management Group of the role of flexible working arrangements from an equality of opportunity point of view (see Humphreys, Drew and Murphy, 1999). On a wider policy front,



concerted efforts to promote flexible work arrangements for all workers regardless of gender were seen as a key recommendation by the Commission on the Family (1998). In particular, the Commission encourages the wider adoption of family-friendly initiatives by employers e.g. to “meet the needs of workers with caring responsibilities for older family members and to encourage and facilitate men in availing of options to take on caring responsibilities” (1998, p. 14). The Employment Equality Act (1998), that came into force in late 1999, places major new demands on employers in the public and private sectors alike to both widen and deepen their current approaches to equality of opportunity.

Government has acknowledged the extent of the challenge ahead for the nation as a whole. “Nevertheless, despite legislative changes and greatly increased female participation in the labour market, there remains an unbalanced structure in the workplace with some of the following characteristics – segregation of women to a disproportionate extent in relatively low-paid occupations, low level of female participation rates in both training and employment in traditionally male-orientated trades and activities, segregation of women in lower-paid jobs in virtually all sectors, and the absence of male participation in traditionally female areas of work ... There is a clear need to address these issues by legislative and non-legislative means. Measures are needed, such as active encouragement of positive action programmes within enterprises with the aim of informing and educating employees and human resource managers as to the most effective use of the available talent pool ... and the development of employment practices which would allow for greater flexibility in working arrangements thereby facilitating the reconciliation of work and family life” (Department of Enterprise, Trade and Employment 1998 p. 45).

This view was also echoed in Partnership 2000, in which there was a commitment by Government to “support the growth of family friendly policies in employment, in line with the policy recommendations contained in the policy document issued by the Employment Equality Agency” (p.30). Equality of opportunity and reconciliation of work and family responsibilities might be among the topics that could be progressed on a partnership-based approach to managing change. Finally, it recommends the establishment of a range of new working practices, including the development of

family friendly working hours, such as more flexible working arrangements and enhanced job-sharing and career break facilities (p. 70).

In the subsequent Report of the Partnership 2000 Expert Working Group on Childcare (1999), it is made absolutely clear that “The current economic climate has increased awareness amongst employers of the benefits of supporting family-friendly policies ... The Expert Working Group acknowledges that supporting and developing childcare is just one of a range of measures which employers can adopt to ensure a stronger balance between work and family life. Other measures include job-sharing, flexible working hours, flexi-place (working from home), term time working and career breaks or sabbaticals, all of which make the workplace more responsive to the needs of workers with children” (p.5).

### **5.5 Employer of choice**

One of the most dramatic changes in the context within which family friendly working policies operate has happened in the past few years. In particular, as the national employment situation has shifted from one of comparative oversupply to one of shortage and intense competition, the policy focus regarding family friendly working arrangements has shifted again. In its report on *Social Policy in a Competitive Economy*, IBEC has recognised the need for more concerted action to overcome some of the shortcomings in current arrangements. “More flexible working hours, part-time work and career breaks have been introduced in some larger organisations to facilitate employees, mainly women. In many cases the difficulties and limitations associated with these arrangements have been found to be outweighed by benefits such as increased productivity and retaining experienced and skilled employees in the workforce ... A range of factors will influence the potential expansion of such measures to a wider number of companies. These include such issues as the impact on productivity and competitiveness, the importance of flexibility, teamwork and quality of service to customers. IBEC will continue to provide support and advice to companies who are considering adopting flexible working arrangements and will monitor their impact over the coming years” (p. 27).

Business-case arguments for the wider adoption of family friendly working arrangements in the current labour market context are strong. In an era of employee choice, the costs of staff resignation and high staff turnover rates are becoming increasingly important for employers. These often hidden costs include loss of skills, delays in replacement, costs of recruitment and selection and induction/training costs. In a recent Civil Service survey, Goldsmith Fitzgerald (1999) identify ‘progressive working arrangements’, including flexitime, as an important area for further promotion as an employer of choice. Similar points are made by MRC (Ireland) Ltd. (1999), “The Civil Service must do anything in its power to ensure that, once it attracts good people, it keeps them ... The Civil Service must make sure that as much as possible is done to fulfil the day-to-day needs of employees in terms of providing personally rewarding and challenging work and recognition for individual performance, as well as the excellent fringe benefits and flexible working arrangements” (p.4).

Problems of recruitment and retention are not the exclusive domain of the public service. The *National Childcare Strategy* (1999) stated that “through family friendly policies, a response to the potential skills shortage can be addressed from the following two perspectives:

1. Attracting new employees into the labour market (specifically women with children) to meet increasing demands.
2. Retaining skilled employees (specially women with children) when childcare obstacles arise” (p.5).

*Partnership for Prosperity and Fairness* expresses the following views: “The emergence of a tightening labour market and the increased emphasis on human resources as a key competitive element serve to underpin the importance of developing innovative ways of maximising the available labour supply. Similarly, the importance of facilitating equality of opportunity for men and women in the workplace also underscores the desirability of developing policies that can assist parents in reconciling work and family life. Family-friendly policies can serve a dual

purpose of contributing to the needs of the business as well as meeting the needs of employees with family responsibilities” (*Partnership for Prosperity and Fairness* 2000, p. 42).

As already indicated in Chapter One, the PPF (2000) gives priority to the encouragement of family friendly working arrangements. In particular, in Annex IV to Framework 1, IBEC, public sector employers and ICTU agree to undertake a number of specific actions, including:

- identifying relevant options for enterprise level family friendly policies and practices;
- developing practical guidelines at national level to assist in the implementation of family friendly policies and practices at enterprise level;
- identifying best practice and dissemination relevant information to employers and trade unions and;
- training for management, union, employer and workplace representatives on relevant options and best practice methods of implementation.

To support this important initiative, a National Framework Committee has been established, under the aegis of the Department of Enterprise, Trade and Employment, with budgetary support from the Human Resources Development Programme. It must also be noted that the *National Development Plan (2000-2006)* includes specific provision of £23.2 million to finance measures to promote equality, including the greater sharing of family responsibilities.

## **5.6 Rapid technological innovation**

In addition to pressing labour supply imperatives, there are also very significant implications for the demand for labour following the rapid process of technological innovation, particularly in the area of information and communication technologies (ICTs). “The rapidity of technological and organisational change in business, changes in the nature of work itself and the increasingly competitive international business

environment, all require the adoption of a continuous and life-long approach to skills acquisition and training and the promotion of greater flexibility and adaptability within the workforce” (Department of Enterprise and Employment 1997, p. 57).

There is considerable potential offered by the effective innovation of advanced IT systems for the further development of family friendly working arrangements. “The type of work we do will change in the Information Society. So also will the location of work for many people ... Teleworking (working from home or other non-office locations using information and communications technologies) will become a feature of most people’s work patterns, even if only a minority are teleworking at any one point of time” (Information Society Ireland (ISI) 1996, p. 9). “A world of new working patterns will mean that people will experience the benefits and challenges of flexible working, self-employment and teleworking, experiencing a better quality of life but a less predictable career path” (ISI 1996, p. 16). “With effective policies, equality of opportunity between women and men can be enhanced by the potential of information and communication technologies (ICTs) to improve the balance between family and working life” (ISI 1996, p. 10).

The importance of achieving substantive progress on these issues should not be understated. “The Information Society represents a phenomenal challenge and opportunity for Ireland. We are at the early stages of a new industrial revolution – one that will have more dramatic implications than any other single industrial development in the history of the State. New structures and business models are evolving but unlike in previous times, these developments are taking place at breakneck speed ... Rapid response is needed to ensure that the benefits of the Information Society can be availed of by Irish citizens and Irish businesses, thus contributing to the on-going improvement of Ireland’s society and economy. ... Failure to take action could mean that much of the strong economic performance of recent years could be lost ... Failure to act would also mean missing out on the opportunities to improve the social inclusion process through the use of information and communication technologies” (ISI 1999, p. 3).

## **5.7 Key messages**

Drawing upon the foregoing policy analysis, a number of key issues can be identified:

- Over the past two decades, policy approaches to promoting family friendly/flexible working arrangements have had a number of different emphases over time, including ‘traditional’ labour market flexibility, worksharing, employment equality, ‘employer of choice’ and rapid technological innovation.
- Each of these approaches has tended to build upon, rather than replace its predecessor, leading to incremental growth, rather than a more fundamental policy.
- Most recently, the emergence of a tightening labour market and the increased emphasis on human resources as a key competitive element now underpins the need to develop innovative ways of maximising the available labour supply.
- In addition, there is considerable potential offered by the effective innovation of advanced IT systems for the further development of family friendly working arrangements.
- To help respond to these challenges, the *Partnership for Prosperity and Fairness* (2000) brings together IBEC, public sector employers and ICTU under a new national framework to take forward family friendly/flexible working arrangements as a matter of priority.

## **Chapter Six**

### **Legal Perspectives**

#### **6.1 Important legal issues**

In addition to a clear understanding of the changing policy contexts within which such measures are introduced, any responsible discussion of the potential development of flexible, family-friendly working arrangements must also take note of a number of important legal dimensions to this type of working arrangement. Such arrangements are not uncontroversial and an understanding of the legal implications of their wider promotion is essential. “Atypical work is a new term used to describe the wide variety of employment arrangements ranging from the traditional forms of part-time and temporary work to newer forms such as zero-hours contracts, telework and fixed term/purpose contracts. Even though this term has gained acceptance at European level, it fails to capture the precarious nature of most of these employment arrangements and the extent to which they have become very typical for many occupational groups, in certain sectors and for many women with family responsibilities ... Trade unions are not opposed to atypical forms of work but are opposed to the exploitation and discrimination associated with them” (Irish Congress of Trade Unions (ICTU 1996, p.1).

It is also important to distinguish between the legal framework in the commercial and non-commercial sectors, since these can differ considerably. Later in this Chapter, the particular circumstances which apply in the non-commercial public service will be outlined, not least because these measures have predominated in that sector to date. However, the analysis will not of course be confined to the public service for at least two key reasons:

- The increasing usage of non-permanent employment in the commercial public sector (e.g. usage of temporary contracts) requires a consideration of the private sector legal framework.

- There are aspects of employment law, which span both sectors, which are of relevance to the debate on family friendly working arrangements.

Accordingly, the main areas of relevant employment law are considered in turn.

## **6.2 National employment legislation**

Meenan (1994) points out that, up to the mid-1990s, the terms part-time employment, temporary employment, and short-term employment were not legal descriptions, and that recent legislative developments have resulted in increased protection for workers engaged in more flexible forms of employment. Most notably, the *Workers Protection (Regular Part Time Employees) Act* was introduced in 1994 with the objective of protecting the interests of part time workers, who were until then largely unprotected by employment law.<sup>10</sup> As a consequence of this Act, the protection afforded by various employment statutes has been extended to cover part-time employees (see Butler, 1994). The Act reduces the number of hours worked per week to eight, which an employee is required to work in order to qualify for protection under the *Unfair Dismissals Acts 1977 to 1993*. In addition, Section 13 of the *Unfair Dismissals (Amendment) Act 1993* extended effectively employment protection to agency workers.<sup>11</sup>

Meenan (1994) also points out while improvements have occurred in relation to the recruitment and protection of part-time workers, there are still questions raised in relation to certain types of non-standard employment. For example, prior to 1993, temporary officers employed by Health Boards, such as nurses and doctors were excluded from the scope of the *Unfair Dismissals Act, 1977*, even where such officers had been employed as temporary officers for a number of years. However the *Unfair Dismissals Act, 1993* makes provisions that temporary officers now fall within the scope of the dismissals legislation.<sup>12</sup>



### 6.3 National equality legislation

Since the mid-1970s, atypical workers in both the public and private sectors have received a degree of protection from employment equality legislation. Given the concerns raised in the literature review regarding the potential for part-time workers to be exposed to discriminatory working practices, in addition to the expressed concerns of trades unions regarding atypical employment, it is important to review briefly some of the main provisions of past and present equality legislation to the particular concerns and circumstances of non-full-time workers.

Following Ireland's accession to the European Community in 1972, a number of major pieces of legislation have been enacted to facilitate greater gender equality of opportunity in the Irish workplace.<sup>13</sup> These will now be considered, insofar as they have implications for those working in non full-time standard employment.

- The *Anti-Discrimination (Pay) Act* 1974 provides the right for men and women to equal pay for like work or work of equal value.<sup>14</sup> In the context of non-standard hours of employment, part-time workers are covered by this Act (see Higgins and Keher 1996). For example, an employee working part time should not be paid at a lower pro-rata rate than that of a full-time employee, where they are employed on 'like work'. A number of significant judgements by the European Court of Justice (ECJ) have also clarified the entitlements of part time workers in important areas such as pensions and salary increments.<sup>15</sup>
- The *Employment Equality Act* (1977) was of particular importance in the context of the development of flexible and innovative forms of employment. The 1977 Act outlawed both direct and indirect discrimination on the grounds of gender or marital status, in relation to many aspects of employment from the recruitment process, through working conditions to dismissal. In the context of the public sector, cases taken under the 1977 Act have tended to focus on discrimination in relation to promotional, seniority and related issues. In contrast, in the private sector, cases have tended to focus on recruitment issues.

- In this regard, the detailed implications of a recent ECJ ruling (*Gerster v Bayern Freistaat* 1997) are likely to be very significant. Following this ruling part time workers must be treated similarly to full time staff when considered for promotion, *unless* objective criteria, unrelated to gender could be shown. This ruling will be particularly significant where seniority or service is a factor in consideration for promotion, for entry to promotion competitions, for assignment to higher duties, and for transfers. As Humphreys, Drew and Murphy 1999 have noted seniority continues to be a significant factor in promotion practices across the Civil Service
- Finally, the *Employment Equality Act* 1998 replaces and significantly improves the earlier legislation. It also has a greatly extended remit to cover, not just discrimination on the grounds of gender and marital status, but also family status, sexual orientation, religious belief, age, disability, race and membership of the travelling community. The Equality Authority has responsibility for reviewing the *Employment Equality Act* (1998), the *Adoptive Leave Act* 1995, the *Maternity Protection Act* 1994 and the *Pensions Act* (1990).

#### 6.4 Other relevant provisions

A number of other relevant legislative and administrative developments have implications for the wider development of family friendly working arrangements.

- A *Parental Leave Act*, 1998 was introduced in response to the requirements of the *EU Directive on Parental Leave* (1996). This Act provides for the granting of unpaid leave for each parent for a period of up to 14 weeks, for each child under the age of five years, in order to take care of the child. The Act also provides for paid leave for urgent family reasons in cases of sickness or accident of a close relative that made the presence of the employee indispensable. This can be taken for a maximum of three days leave in any consecutive 12-month period or a maximum of five days in any period of 36 consecutive months. Concern has already been expressed, however, that the new Act may reinforce existing gender segregation in the labour market, since it is more likely that women rather than men will avail of such leave, which is unpaid in contrast to similar legal

provisions in other European countries (see *Institute of Personnel Development (IPD) News*, 1998).

- In addition, other recent developments in EU law have implications for the usage of non-standard forms of work. For example, the EU *Directive on Part-Time Work* establishes the principle of non-discrimination and provides that part-time workers cannot be treated in a less favourable manner than comparable full-time workers, unless different treatment can be justified on objective grounds. The Directive defines a part-time employee as someone with a contract or employment relationship whose normal hours of work, averaged over a period of up to a year, are less than the normal hours of comparable full-timers. Member States will still have discretion on the inclusion or otherwise of casual and temporary workers from any consequential legislation.
- Finally, it must be recalled that the more effective reconciliation of work and family responsibilities is a key theme to be addressed by EU Member States in the development of their new national employment policies following the Amsterdam Treaty. Specifically, all Member States are committed to design, implement and promote family-friendly policies, including affordable, accessible and high-quality care services for children and other dependants, as well as parental and other leave schemes.

At national level, there have been a number of other developments which impact on non-standard forms of work and which cover both the private and public sector, which are worth noting briefly.

- Since the initiation of the *Organisation of Working Time Act* (1997), the maximum average working week is 48 hours, but averaging may be balanced over a four, six or 12-month period. The Act also covers employee entitlements in relation to rest period for working periods. The Act has implications for employers who utilise overtime as a form of numerical flexibility to meet demand, as it places a limit on the hours, which may be worked by employees. The Act also provides for entitlements to annual holidays for full-time, part-time and casual workers.

- All provisions of the *Health, Safety and Welfare at Work Act* (1989) apply to all employees, including home workers and those who work outside the conventional office. Under the provisions of the Act, both employers and employees have statutory obligations based on common law duties of care. The employer has an obligation to ensure insofar as is possible the safety, health and welfare of their employees and consequently, every place of work must have a safety statement. The need for such a guarantee extends to more innovative forms of working, such as home working. Thus in the case of home working, it is suggested that a risk assessment of the home workstation should be undertaken by the employer, in conjunction with the home worker (see *Telework Report*, 1999).

### **6.5 Public service framework**

In the Civil Service, as in the wider public service as a whole, recruitment in the main has been, and continues to be, restricted to full-time career length established positions, although there is a recognition that ‘the exigencies of today’s working environment demand that a more flexible range of options such as recruitment on a temporary or part-time basis be available to management’ (*Delivering Better Government*, 1996, p. 40). Currently, both recruitment and the terms and conditions for working arrangements are determined centrally in the Civil Service. Recruitment to permanent positions is undertaken by the Civil Service Commission on behalf of Departments/Offices under the provisions of the *Civil Service Commissioners Act* 1956 and the *Civil Service Regulations Act*, 1956 (see Humphreys, Fleming and O’Donnell 2000).

At the same time, there have been some changes to the legislative framework governing civil service employment, most notably the *Public Service Management Act* (1997), that amends certain provisions of the *Ministers and Secretaries Act* (1924). This Act introduces a degree of potential flexibility with regard to the management of individual Departments/Offices. It transfers responsibility for personnel matters, including appointment and dismissals from the Minister concerned to the Secretary General of each Department. The extent to which such powers will be exercised will need to be tested over time. DBG (1996) also made it clear that the current centralised

approach, whereby the Civil Service Commission makes selection for the vast majority of appointments, is likely to remain. However, in the longer term it is also stated that “a new model for public service recruitment, underpinned by new legislation, is currently being developed (see Ahern 1999, p.4).

Finally, an administrative development with provisions similar to those of the *Parental Leave Act* has also been introduced in the public service. A pilot term time working scheme was introduced within the Civil Service in 1998 and is currently being extended across the Civil Service. This scheme allows staff who have one or more children under the age of 17 to take unpaid leave for a set period during the school summer holidays. The scheme provides for 10 weeks leave for parents with children attending primary school and 13 weeks for those with teenage children (since their school holiday period is longer). Civil servants who are not necessarily parents but who are primary carers of a person residing with them who has a disability of a nature which requires full-time attention may also take leave under the initiative. It has been argued that the initiative is “seeking to address the thorny problem of career versus family which is of particular relevance in an environment in which the civil service are experiencing the difficulties of recruitment and retention” (see IPD, 1999).

## **6.6 Key messages**

“The buoyant jobs market means that, due to our economic success, most employers, including the Civil Service, are experiencing difficulties in attracting and retaining high quality recruits. Without the people to do the work, the service cannot be provided...” (Ahern 1999). Similar difficulties are being experienced in the commercial sectors, as companies attempt to represent themselves as employers of choice. However, a number of key messages also emerge from the legal analysis:

- Any responsible discussion of the potential further development of family friendly /flexible working arrangements must take note of the important legal dimensions to this type of working arrangement. Such arrangements are not uncontroversial and an understanding of the legal implications of their wider promotion is essential.

- Efforts to enhance the position of commercial and non-commercial organisations as “employers of choice” in the current labour market need to be fully aware of, and responsive to the changing legal and administrative contexts within which such developments will take place, at both national and European levels.

## **Chapter Seven**

### **Workplace Perspectives**

#### **7.1 Introduction**

As previously indicated (see 1.7 above), given the resources available to this study, it was not feasible to undertake either a widescale survey or in-depth discussions with a fully representative cross-section of organisations in the commercial and non-commercial sectors. However, by analysing detailed research findings from other relevant studies, in addition to holding in-depth discussions with key informants from a range of sectoral interests, it is possible to establish a good picture of the key issues and challenges, from the workplace perspective of the past present and future development of family friendly/flexible working arrangements.

These interviews were held with key informants from public sector organisations, senior HR managers from a selected range of private sector organisations including a major banking firm, an IT company, a major food retail store, and information from the small to medium enterprise (SME) sector. The views of key informants from central bodies, including IBEC, ISME and ICTU, were also obtained. In order to bring together and discuss the various perspectives obtained, the findings are considered thematically, drawing on the categories of flexible working arrangements identified in Chapter Two.

#### **7.2 Jobsharing**

In relation to jobsharing, it is important to recognise that there is a significantly higher take up and availability of such arrangements in the public service, compared to the commercial sector. For example, Fynes et al (1996a) estimate that only 5% of private sector companies offer job-sharing, with an estimated 5,300 employees job-sharing in this sector. The same survey estimated that there were 8,000 people job-sharing in the public service. Interestingly this survey also revealed that private sector employers

were more likely than public sector employers to see no advantages in job-sharing, which they concluded was likely to be a reflection of the longer and greater experience within the public sector of job-sharing. Available research evidence on job-sharing arrangements in the Irish public service indicates that, although it is still a minority working arrangement overall there is considerable value placed on the availability of such an arrangement from the employees' point of view.

Within the public service, jobsharers are predominantly female, concentrated in the lower grades, generally aged 30-39 years and are usually at a particular phase in their working/family lives (primarily to care for young children). In the Civil Service, research data indicate a range of reasons staff opt to job share as outlined in Table 7.1:

Table 7.1

<b>Reasons for opting to Job-share</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
Combine work and family responsibilities	0%	77%	70%
Problems with children	0%	2%	2%
Other family responsibilities	16%	1%	2%
Educational reasons	16%	4%	5%
To pursue other interests	45%	3%	7%
Other	23%	13%	14%
Total	100%	100%	100%

(Source: Humphreys et al, 1999)

Women predominantly opt for job sharing in order to combine work and family responsibilities. In contrast, men are much more likely to jobshare to pursue other interests.

Similar findings emerge from research carried out in the UK in 1993 (see New Ways to Work (NWW) 1993a). This research was based on a survey of 100 people working flexibly at senior and managerial levels. Almost half of these respondents worked on a job sharing basis, thirty four per cent of whom were working part time. Ninety two percent of the managers surveyed were women, with seventy six percent citing childcare as the overwhelming reason for opting to avail of flexible working



arrangements. In contrast, eighty per cent of the male managers surveyed cited better quality of life as the primary reason for opting for such arrangements.

In Ireland, the research carried out by Humphreys et al (1999) reveals a considerable level of negative attitudes of both men and women towards job-sharers. Common reasons for such negativity relate to continuity problems in work, lack of availability of job-sharing individuals, and a perception that job-sharers were 'less committed' to their jobs. The research also indicated that in many cases, jobsharing was viewed as incompatible with the duties of higher-grade jobs and work with a high policy, as distinct from operational content. "The Civil Service demands ever longer hours from its staff and availability of particular individuals is difficult to maintain in a job-sharing situation ... On a number of occasions, reference was made to the strong "cultural opposition" of managers to job-sharing except at lower grades. Perhaps not surprisingly in these circumstances, on promotion, jobsharers often have to revert to full time working." (Humphreys et al, 1999, p. 36).

In this context, a key concern is that jobsharing may reinforce, rather than assist in breaking down, occupational segregation in employment. At the same time, recent developments will potentially address this concern. There is recognition that the *Gerster* ruling will have significant implications for the career prospects of job-sharers and indeed the take-up of job-sharing in the public sector. Following the ruling in this case by the European Court of Justice, a Department of Finance Circular was issued confirming that for the purposes of reckonable service, credit should be given for job-sharing service on the same basis as full-time service. While the full implications of the *Gerster* decision remain to be seen, they are potentially significant in the light of the considerable emphasis placed on seniority as a promotion factor in the public service especially.

The survey carried out by Fynes et al (1996a) reveals a number of interesting findings in the context of jobsharing in the private sector. Firstly, the survey revealed that job-sharing can be seen to be a relatively new phenomenon. In 50% of the firms surveyed, job-sharing schemes had been introduced in the period 1991 to 1994. Over 68% of women surveyed had opted for job-sharing for family reasons, compared to 34.9% of

men. In the majority of firms surveyed, job-sharing was not perceived by management to adversely affect terms and conditions of employment or access to training or promotion. This draws interesting comparisons with the public service, in which for example job-sharing is seen to undermine prospects for promotion (Humphreys et al, 1999) which may reflect the greater emphasis on seniority as a promotion factor in the public service.

In terms of likely future developments, the survey revealed that larger firms were much more interested than small firms in extending job-sharing arrangements in the future. Similar disadvantages associated with job-sharing to those identified in the public service were also raised in the private sector. For example, the most commonly cited disadvantages associated with job-sharing included lack of continuity, and a perception that 'jobsharing was 'not feasible' for the business concerned. Firms were asked whether they felt that the government could introduce any scheme or initiative that would encourage the individual firm to introduce or extend job-sharing arrangements, to which 27% of firms responded 'yes'. A range of suggestions were made in this regard, including the provision of financial support for training and changes in the tax and social welfare codes to favour part time workers.

In-depth interviews carried out during the research study also reveal a number of additional issues in relation to job-sharing. In contrast to the public service, it appears that job-sharing arrangements in the private sector tend to be more informally agreed as opposed to being formalised in policy. There was a general consensus that more informal arrangements, on a case by case basis, were preferable to having formalised policies. Generally, the granting of such requests are primarily made within the context of business requirements. For example, interviewees in the private sector stressed that the feasibility and desirability of job-sharing arrangements depended on the nature of the work being performed by the individual and how easily such positions lent themselves to the sharing of work. In the case of SME's, Fisher (2000) reveals that job-sharing was available in 23% of the organisations surveyed. Interestingly, the study highlighted that job-sharing was more prevalent in small enterprises than medium ones.

In contrast, there was a perception within the public service that it is very difficult for managers to exercise their prerogative, for example in refusing job-sharing requests given the nature of the particular post in question. This creates difficulties for example in finding job-sharing partners, with the result that job-sharers are often unmatched. On the positive side, in both sectors, there was recognition by many interviewees that the availability of job-sharing arrangements can assist in the retention of staff who would otherwise leave. It was also suggested that in contrast to other schemes such as career breaks, job-sharing arrangements ensure that there is an ongoing retention of skills. Thus, the administrative and operational issues involved in managing job-sharing arrangements were perceived by some to be far outweighed by the benefits of retaining skills in the organisation on a part time basis with the possibility that job-sharing staff would eventually return to full time work.

### **7.3 Flexitime**

Broadly speaking, flexitime schemes allow employees to vary their starting and finishing times of work, outside a compulsory core-time, provided an agreed volume of hours are worked over a given remuneration period (see Employment Equality Agency 1996). Flexitime schemes are amongst the longest established and most widely utilised forms of flexible, family friendly working arrangements, especially in the public service (see Humphreys, Fleming and O'Donnell 2000). In his SME study, Fisher (2000) found that 31% of firms had a flexitime scheme in operation: 16% of small firms and 49% of medium sized firms had flexitime arrangements in place. Within the Irish context, flexitime provides an opportunity for employees to balance caring responsibilities and offers a partial solution to the considerable commuting problems experienced by staff in the larger urban areas, such as Dublin.

As preferences for more individualised lifestyles emerged in the 1970s, flexibility of working time became a popular option for employees. Flexitime became popular in the UK in the 1970s as a means of attracting and retaining staff. The 1992 *Personnel Today Survey* found that only 19% of private sector firms had schemes, compared with 61% in the public service. It is also worth noting that while 2.5 million employees in the UK were working flexible working hours in 1993. The take up of

flexitime is much more common among women than men. In its survey of flexible working practices in local government, NWW (1993a) found that flexitime is a normal part of employment practice. Out of the 249 local authorities surveyed, 85% had a formal flexitime policy.

By offering more flexible and varied working arrangements, the potential pool of labour is extended to include employees who cannot work full-time but still want regular employment. It is important to note that flexitime schemes appear to be far from universal throughout the Civil Service, never mind the wider public service, and, where they exist, are very often limited to non-management grades. During the interviews conducted for this study, flexitime was found to be a standard feature of working arrangements in several of the commercial organisations surveyed but, in some organisations flexitime was initiated by the employee and determined solely on a case by case basis by the employer, dependent upon the constraints of the job. Once more informal policies were favoured in the private sector and formal policies in the public service.

There is widespread consensus in the literature that flexible working arrangements, including flexitime systems can make ‘good business sense.’ Flexible working time can enable staff to reconcile, more effectively, work and non-work commitments (including caring responsibilities), which in turn can result in improved attendance and reduced staff turnover. Flexitime allows staff a greater degree of control over the pattern of their working day and provides a greater opportunity to balance work and caring commitments. Finally, from the employer’s perspective, flexitime systems can provide a useful means of monitoring working time, e.g. in the context of the Working Time Act.

#### **7.4 Part-time working**

Part-time working is an increased feature of many advanced economies, which in turn reflects the increased participation by women in the labour market. In the context of family friendly policies, it has been argued that from an equal opportunities point of view, the primary advantage of part-time working is that it facilitates the combination

of paid and unpaid work (Plantegna, 1995). At the same time, part-time working also presents disadvantages, for example in reinforcing the unequal distribution of unpaid work between men and women, since in most advanced economies, the majority of part-time workers are women. Additionally, other concerns regarding part-time working have been raised, including the comparatively weaker legal status and quality of work of many part-time positions (Plantegna, 1995).

In the public service, employment largely has been, and continues to be, restricted to full-time career length established posts. At the same time, there are exceptions to this norm within specific parts of the public service. In 1995, it was estimated that there were circa 15,000 part-time workers in the health services, local authorities and post-primary education sectors, and such arrangements take many forms. For example, seasonal and casual work has been a regular feature of employment in local authorities, many semi-state bodies for a considerable number of years. Part-time staff are also prevalent in the retained fire service, the vocational educational sector, and in the health sector (not only in nursing areas but also amongst catering, cleaning and other support staff). Additionally, the development of more flexible working arrangements in the permanent workforce has increasingly created opportunities for temporary employment, for example to provide cover for staff on career breaks and on term-time working. In terms of future development, amendments to the legislative framework governing Civil Service recruitment are currently being drafted, which are likely to cover, among other things, changes required to develop greater flexibility in the recruitment and employment of less than full-time staff.

Part-time working is more significant in the private sector than in the public service. In recognition of this growing trend, legislation was enacted in 1994 to afford part-time workers the same degree of protection as full-time workers, for example in relation to unfair dismissals (see Chapter Six). Even so, concerns have been expressed at trade union level regarding the exploitation and discrimination that are often associated with atypical working practices such as part-time working (see Irish Congress of Trade Unions (ICTU), 1996).

Our interview findings suggest that the introduction of part-time forms of work in the private sector is often driven by increased demand by potential employees for part-time work. Reductions in labour market supply within the economic climate make it less possible for employers to dictate the hours of work available. Ultimately, flexibility in hours of work or arrangements relating to part time work must support business requirements. For example, in one large organisation studied, it was stressed that customers increasingly expect, and demand, that outlets are open after normal working hours, and this demand obviously influences the level of part time working available. Thus, while many potential employees have a preference for working part time on a morning only basis, for example to reconcile both family and work responsibilities, the organisation may not be able to accommodate every request, for example, where they must ensure that adequate staffing levels are available to work after 5pm.

Finally, in relation to SME's, the findings of Fisher's recent study (2000) are of interest. This study indicates that part-time work is the by far the most prevalent form of flexible working used in both the small and medium-sized enterprises which were surveyed. Half of the small organisations surveyed had part-time workers, while the percentage for medium sized enterprises was 49%.

### **7.5 More innovative forms of flexible working**

In interviews carried out in the public service, there is recognition among many of the need for more flexible approaches to working arrangements. This recognition was based on an increasing awareness that there are many people who wish to work less than the standard working week. For example, in the case of staff nearing retirement, there are benefits to be gained from allowing individuals to adjust gradually, for example, to a four-day/three day week, so that the change following retirement will be less traumatic. In this context, proposals are currently being developed by the Department of Finance to encourage greater flexibility in the patterns of attendance acceptable within a jobsharing arrangement in the public service e.g. mornings only. At the same time, concerns were raised regarding the difficulties that more flexible forms of jobsharing can create in relation to filling the remaining part of a job, where

it might not be practicable or efficient to recruit a new member of staff, for example for one day a week.

It was suggested by some that a more imaginative approach was required to overcome such difficulties. For example, not every post requires an individual to work a standard 35 hours per week, and in many cases, it is likely that the reorganisation of the work of a section or post could address issues created from the take-up of work-sharing arrangements. It was suggested that the biggest barrier to worksharing will be the traditional, and in many cases fixed, attitudes that prevail regarding the standard definition of the working week. It was suggested that many 'perceived problems' caused by take up of flexible working arrangements are not caused by the arrangements themselves, but rather by the rigidities of the work systems and practices on which they are imposed. In this context, it was suggested by some that there is a need to rethink traditional assumptions regarding the 'infallibility' of the 9 to 5 five-day working week. Ultimately, it was believed that future developments for example, in relation to worksharing, would have to become a reality, particularly in the context of the current demographic and economic climate.

Some organisations have opted for more informal versions of working arrangement. For example, in one company in the commercial semi-state sector, a form of 'annualised hours' was introduced. The scheme allows employees to opt for less than 100% of the normal working hours, subject to a maximum reduction of 50%. The staff member concerned agrees a monthly pattern with his/her manager a month in advance of commencing this system. For example, they may decide to work 3 weeks out of four, four days per week, half days etc. The remuneration equivalent of the individual's unworked hours might then be allocated to other staff in the section in return for undertaking extra duties. For example, a member of staff might be given a 30% bonus for undertaking the additional work created by the reduced hours of another employee. Alternatively, if it is not possible to do this, work might be re-arranged within the section concerned if it is feasible to do so. Once a pattern has been agreed, this represents the staff member's annual pattern of working, normally for a period of two years.

A recent report by New Ways to Work (1999) also outlines a more innovative form of less than full time working which they describe as Voluntary reduced time (V-time). V-time allows employees voluntarily to trade income for time off. For example an individual may be given the option of reducing their full time working hours, usually by between five and fifty per cent, for a specified period, with the right to return to full time working at the end of that period. The time can be taken off by reducing the working day or week, or by taking a block of time off during the year. Examples are cited of UK companies who have developed versions of this system, including Abbey National and the Civil Service. It has been suggested that the chief advantage of such a scheme is “flexibility and the chameleon ability to be ‘all things to all people’ – for example, a holiday opportunity, a ticket to study, a permanent childcare solution, a means of weathering a family crisis such as illness” (New Ways to Work, 1999, p.19).

#### **7.6 Term-time working/parental leave**

Term time working and parental leave can be usefully considered together since the provisions of both schemes are broadly similar. Parental leave has been described as an “important instrument in facilitating a combination of employment and family responsibilities” (Plantegna and Hansen, 1999, p.372). Arising from an EU Directive in June 1996, EU member countries were obliged to introduce legislation on parental leave that would enable parents to care full-time for children for a period of up to three months. In an overview of the range of approaches adopted by EU countries, Plantegna and Hansen (1999) conclude that Sweden and Austria are the most generous in their approach. Austria, for example, has legislated paid parental leave for up to two years that can also be taken on a part time basis. They point out that it is too early to assess the impact of parental leave in countries such as Ireland and the UK, who have been slower to legislate for such measures.

In addition to parental leave legislation, a number of countries have also introduced term-time working provisions. During the 1990s, such arrangements were made available through many parts of the British public service, as well as the private sector. Research in the UK indicates that, in response to the concerns of families in relation to caring for children during school holidays, a number of organisations,



including the Department for Education and Employment, Boots, Dixons and Thistle Hotels have introduced term-time working.

In an Irish context, a pilot term-time working scheme was introduced in the Civil Service in 1998 in which four government departments allowed staff with primary caring responsibilities to take unpaid leave during the summer to coincide with school holidays. Up to the end of May 1999, a total of 352 applications had been received, of which 87% were from women. Overall, 76% of applications were granted. While the largest grade group represented was at Clerical Officer (CO) level, the Department of Social, Community and Family Affairs (DSCFA) had the widest range of applicants in more senior grades up to Assistant Principal (AP). Reflecting its decentralised and regionalised organisational structure, the DSCFA also had two thirds of its applications from outside the Dublin area. It is anticipated that nine departments will participate in the term-time working scheme in the year 2000.

An examination of the information available to date on the scheme highlights a number of important issues. These may be summarised as follows:

- While all participating departments stated that the needs of the work in the area was paramount in the selection criteria which would be the responsibility of local management to decide, there was significant variation in how the selection process was operationalised. In one case, an overall numerical cap was used to limit vacancies arising in any particular area. In some Departments, seniority criteria were used but not in others.
- Although the Civil Service Commission was able to provide some assistance through the provision of names from a central Clerical Officer competition, most temporary recruitment was undertaken locally. Although few men applied for such vacancies, it is interesting to note that demand was exceptional in some areas. For example, in Limerick, there were 600 applications for 25-30 posts. Likewise, in addition to students, many posts proved attractive to women in the 40-50 years age group.

- While it is important to maintain a degree of managerial flexibility to ensure sensitivity to actual differences in service demands, there does appear to be some variation in the approval rates for applications overall between Departments/Offices. For example, in one department, 86% of applications were granted, while in another, the success rate for applications was 75%. Clearly as the scheme is developed, any consequential concerns about consistency of treatment would need to be addressed.

In addition to this initiative in the Civil Service, developments are also taking place in the wider public sector. For example, one large employer is currently considering proposals to introduce term-time working. Currently, staff may avail of special leave without pay for the summer months, but it is believed that a term time working scheme might be more beneficial for staff, for example, by enabling them to have their pay spread out over the entire year to address difficulties caused by working one block of unpaid leave.

Our interviews revealed little evidence of term time working arrangements in private sector organisations. Fisher's recent study of SME's (2000) also estimated that 4% of the organisations surveyed had term time working arrangements in place. In contrast, because of the legislative nature of parental leave arrangements, most companies had some experience of this arrangement. Thus, since employers are obliged to agree to requests for parental leave unless they can provide objective reasons for not doing so, the Act has already, and continues to have, implications in terms of the development of family friendly initiatives in the workplace.

Concerns were expressed by some private sector organisations regarding problems arising from arrangements availed of under the Act. For example, the Act provides for the granting of unpaid leave for each parent for a period of up to 14 weeks, for each child under the age of five years, in order to take care of the child. The employee may choose to take this leave in a range of ways ranging from a full 14 week break to options involving one days leave per week. This can create difficulties in terms of providing cover particularly, at peak working times. Secondly, the Act also provides for paid leave for urgent family reasons in cases of sickness or accident of a close

relative that made the presence of the employee indispensable. One manager suggested that much greater clarification is required as to what constitutes the criteria by which such decisions would be made in the light of potential abuses by some employees of this provision. Additional concerns were recently raised by the Institute of Personnel Development (IPD) in which it was suggested that the Act may serve to reinforce existing gender segregation, since it is more likely that women who will avail of such leave, which is unpaid in Ireland, in contrast to other European countries (*IPD News*, 1998).

### **7.7 Flexiplace/teleworking**

It is estimated that there are 61,000 people (4.4% of the workforce) teleworking in Ireland (see ECATT survey, EU Commission, DGXIII, 1999). An Amárach Consulting report (1999) estimates that ‘one in ten workers will telecommute from their home some or all of the time in 2010,’ although it is important to bear in mind that statistical estimates can alter because of definitional variations.

In its June 1999 Report, the National Advisory Council states that “there are still significant barriers to be overcome before Ireland can fully reap the benefits of teleworking. The greatest barriers are lack of awareness, relevant training and a fiscal and legal environment that supports teleworking as a method of work. Many in leadership positions (Government, education, business, trade unions, development agencies and community groups) do not appreciate the potential of teleworking skills and technologies and the advantages that can be derived from them” (p.6).

The Dublin Transportation Office (1999) estimate that 22% of employees thought that they could do their jobs from home and 57% of these would like to. Most teleworking projects are employee driven although a growing number of companies are realising the benefits both to themselves and their staff of this working method and devising policies to cater for it. At present, it is apparent that while there is considerable interest amongst managers themselves for telecommuting in particular, it was felt that other than individual informal, flexiplace agreements, the wider adoption of teleworking in the public service would require a substantial change in managerial and

organisational culture. In particular, the strong cultural emphasis at present on visibility and hours of attendance, incorrectly focused managerial attention on time spent at work rather than its productivity and value added.

Table 7.2

EU Country	Number of people teleworking	Percentage of total workforce (%)
Finland	355,000	16.8
Sweden	594,000	15.2
Netherlands	1,044,000	14.5
Denmark	280,000	10.5
UK	2,027,000	7.6
Germany	2,132,000	6.0
Ireland	61,000	4.4
Italy	720,000	3.6
France	635,000	2.9
Spain	357,000	2.8

Source: ECATT survey (EU Commission, DGXIII, 1999), in Fisher (2000) p.60

Private sector organisations who use teleworking as a major part of their way of working admit that not many companies use teleworking, for various reasons including the reticence of older managers to use I.T developments in their companies and an unwillingness to change customary practices. However this is likely to change as a growing number of jobs lend themselves to teleworking. In addition, those companies who do not use technology will not succeed in the global environment where I.T. plays a very important role. Teleworking will also increase as the technology exists to have virtual call centres where work is contracted out to people who are given the equipment to carry out the job. Fisher (2000) estimates that of the 133 SMEs that responded to the questionnaire 28% had a teleworking scheme in operation. Twenty-nine percent of small organisations and 27% of medium organisations surveyed respectively utilised a teleworking scheme. In the public service, individual departments/offices are piloting teleworking at present, albeit on a

very limited scale. In addition, in the commercial semi-state sector, the expanding capabilities of ICTs to transform working practices are being more actively pursued.

Discussions with private sector organisations indicated that five **Ts** need to be introduced for a successful teleworking scheme:

- Teleworking schemes are fundamentally based on **trust** and this is a key tenet in the whole area of remote working.
- **Training** and provision of the **tools** to enable people to conduct the job will ensure effective adaptation to remote working and will guarantee that both parties are agreed on what the job entails and the output required **targets**.
- Monitoring the effectiveness of working from home is easier when there is trust between both parties and the training and tools are provided which results in the achievement of the results expected (targets) within the agreed **timescale**.

In one organisation, a manager initiated a teleworking scheme on a pilot basis. When the costs of working from home as opposed to the office were shown to be lower and productivity higher, they introduced teleworking on a voluntary basis across the board. In the private sector organisations analysed teleworking was more widespread in technology based firms and was being tentatively examined as a possible new way of working in one banking organisation. Teleworking was not implemented in certain organisations because the majority of jobs in the organisations did not suit teleworking (e.g. production line jobs, receptionists, dealers, and retailers) and flexibility was constrained by the hours of working and the job type (needing to be on site). In one public sector organisation concerns were also raised about the management and administration of teleworking schemes.

However, as the National Advisory Council indicates there needs to be concerted action across a wide front for the full potential of teleworking to be realised. The success of such action will also be predicated at least in part on the adoption of effective codes of practice to address some of the frequently cited concerns about the potentially negative aspects of teleworking. These can include the disintegration of

collective forms of work organisation, increasing precariousness of employment, the exploitation of vulnerable groups of workers, a reversal of progress towards equal opportunities, erosion of vocational training structures, social isolation and the facilitation and tacit encouragement of poor employment and management practices (see ICTU 1996).

In the private sector, some organisations are actively using teleworking at an increasing rate for the following reasons:

- increased productivity – estimates suggest that without distractions common to most offices, workers manage to increase their productivity by between 10% and 40%;
- the costs of teleworking are lower, e.g. commuting time and costs are abolished;
- high rental charges for offices in the city are reduced;
- location of potential employees becomes unimportant;
- companies can increase employment without having to increase office space or incurring relocation costs, and can plan accurately the space they require;
- employees are able to strike a better balance between work and family life by choosing a working week combination which best suits their family circumstances;
- the teleworking scheme is voluntary;
- different types of teleworking are provided – multi-site teleworking; telehomeworking; telecontractors/freelance teleworking; telecommuting/mobile teleworking; telecottage and relocated back-office working.

Teleworking clearly benefits both employers and employees and will become increasingly more important in the light of rising skill shortages. With current advances in technology, in which virtual call centres are possible and work can be contracted out, greater opportunities are emerging to include a greater number of job types in the teleworking area. Teleworking will be an important option for family

members who wish to improve the trade off between hours worked and family/leisure time.

### **7.8 Other issues and concerns**

A number of other issues were raised in the context of family friendly initiatives which are of relevance to this report. For example a number of organisations have introduced crèche facilities as part of their efforts to develop a more family-friendly workplace, including the Electricity Supply Board (ESB) and Dublin Corporation. Both organisations also emphasise the links between a range of family friendly initiatives and the wider issue of equal opportunity in the workplace.

In this regard, the Equal Opportunities Office of the ESB has produced a useful booklet, *Striking the Balance - combining your Career and Other Commitments* (1999) which outlines the provisions of the various flexible working arrangements available to staff. In the case of Dublin Corporation a range of wider policies complement the family friendly approach they have adopted. For example, they have trained counsellors in place, with whom staff can discuss personal or work-related issues and other facilities and supports, including health screening and parenting workshops. Finally, they are also considering proposals to set up a summer project on-site for the children of employees.

The particular needs of small to medium enterprises (SMEs) were also raised during these interviews as well as in other relevant studies. A recent report by New Ways to Work (1999) suggests that flexibility and family friendly working can be easier to achieve in small and medium enterprises for a number of reasons. For example, the organisational structure in small companies often lends itself more to informality, flexibility and interaction, as well as access by employees to senior management. As a consequence, flexible working arrangements may be tailored more to individual need rather than follow agreed formulae or guidelines laid down at national level, making it easier for employers to be responsive to employee needs. At the same time, there are also a number of barriers to the introduction of flexible working arrangements in SMEs. Such barriers include lack of time and available resources,

comparatively greater difficulties in managing the administration of schemes such as maternity leave and parental leave, and information overload from government and other public bodies.

Finally, in the context of family friendly initiatives, research is increasingly being undertaken into the specific needs of particular groups within society. For example, NWW has undertaken research and disseminated findings through the production of factsheets in relation to the specific concerns of groups, such as lone parents and people with disabilities. For example, a recent study (NWW, 1999) concluded that, “many jobs have been created on traditional assumptions that an employee’s first commitment is to their job and that supporting activities (running the home, childcare, caring for elderly relatives) are the responsibility of a non-working spouse”. The study concluded that these assumptions are particularly worrying in the light of changing demographic trends. For example, in the case of lone parents, they suggest that the barriers are particularly acute since sole responsibility for children means that they may have had little opportunity to gain educational skills, with the result that they are especially disadvantaged in the labour market and frequently underpaid. NWW identify a range of measures which would assist in addressing such issues, including part-time work, term time work and job-sharing, and a range of organisations who provide such arrangements are cited, including Marks and Spencers, Boots and Shell. In recognition of the particular concerns of lone parents, the UK Government recently established a *New Deal for Lone Parents* (NDLP) which offered among other things, advice and counselling for lone parents to enable them to return to work, advice on budgeting and childcare.

### **7.9 Key messages**

Drawing upon the findings from the workplace analysis, a number of key messages can be identified:

- While arrangements such as job-sharing and flexitime are well established in the public service, with the exception of term-time working, there has been little attempt to experiment with more innovative arrangements



- In the commercial sector, it is more difficult to generalise about the prevalence of arrangements. By and large, it would appear that arrangements tend to be more informal in nature, compared with the public sector.
- Typical concerns expressed centred on business needs which can make it difficult to accommodate flexible working arrangements, particularly in the SME sector.
- Overall, despite limited experience in both sectors, there is recognition that growing trends in relation to labour market supply and new technology will influence the further development of flexible working arrangements.
- The experience of organisations, such as New Ways to Work in the UK, could suggest a valuable model for the provision of authoritative and accessible information on family friendly working arrangements to employers and employees alike to fill the current knowledge gap and help tackle the negative perceptions that persist in some areas.

## **Chapter Eight**

### **Key Issues and Challenges**

#### **8.1 Introduction**

The three-fold objectives of this research study have been to:

- identify the challenges and benefits to introducing family-friendly flexible working arrangements (drawing on best practice and research undertaken in Ireland and abroad).
- identify the respective roles of public policy makers, employers and trade unions in taking forward such initiatives; and
- provide scientifically based research evidence to inform the debate in this area and assist policy makers in identifying practical measures to further assist the development of family friendly initiatives in the Irish workplace.

Following a detailed review of available documentary and statistical evidence on the extent and character of family friendly/flexible working arrangements both nationally and internationally, as well as in-depth discussions with HR managers and Trade Union (TU) representatives and other key informants, it is now possible to draw conclusions regarding both the benefits and challenges of family-friendly working arrangements from a range of perspectives.

#### **8.2 Key benefits and challenges**

Accordingly, the purpose of this chapter is not to reconsider the detail previously presented in this report, but rather to identify key challenges and issues, to assist in plotting practicable ways forward and therefore assist policy makers in facilitating the wider implementation of family friendly initiatives in the Irish workplace. These key issues can be usefully drawn together under a number of headings.

### *8.2.1 Benefits of flexible working arrangements*

Research evidence on best practice suggests that flexible working arrangements, when implemented effectively, can provide tangible benefits to both employers and employees.

- From the employer's perspective, they can assist in facilitating the retention and attraction of staff, a factor which is of growing importance in an era of reduced labour supply and increasing demand by employees for arrangements which would enable them to achieve a more effective work-life balance. More innovative forms of flexible working arrangements can also potentially increase productivity and reduce operating costs. Additionally, the provision of such arrangements can enhance an organisation's image as a 'good employer'.
- From the employee's perspective, flexible working arrangements are desirable, and in many cases, essential, as a means of enabling them to reconcile work and caring responsibilities. Their importance in this context is particularly significant in the light of other growing trends, including increased commuting times, and rising housing and childcare costs.

Best practice would suggest that the key challenge lies in providing arrangements that will meet the demands of both employers and employees. While the primary responsibility in providing for such arrangements needs to reside at the enterprise/workplace level, national level organisations have an essential role to play through informing, supporting and promoting their wider adoption.

### *8.2.2 Key challenges*

Notwithstanding the arguments presented above, the findings of this research also indicate that flexible working arrangements within the Irish workplace have largely been introduced, not as part of a proactive range of family-friendly measures, but more frequently in response to changing external factors, most notably changing labour market trends and legal requirements. For example, most of the measures in the public service, most notably job-sharing and flexitime, have been introduced centrally usually as a result of government policy initiatives. In the commercial

sector, reduced labour supply and specific legal developments, for example, the Parental Leave Act, (1998) have been key factors which have influenced the implementation of such measures. In contrast to the public service, flexible working arrangements in SMEs and large private sector organisations often appear to be implemented on an informal and often case-by-case basis.

The key issue is not so much whether such arrangements are formal or informal in nature, but rather with the manner in which they are developed and implemented. For example, recent research (Humphreys, Fleming and O'Donnell, 2000) suggests that flexible working arrangements work most effectively, from both the employer and employee viewpoints, when they are developed and implemented in a strategic, integrated manner. The content and process issues implied in the development of such an approach require further elaboration.

### *8.2.3 The challenge of integrating flexible working arrangements*

As indicated above, it is important that flexible working arrangements are closely integrated with the strategic human resource planning (HRP) process at the workplace level, to ensure that the needs of both employers and employees are met. The key purpose of HRP is to ensure that the organisation, whatever its size, has the appropriate level and quality of human resources that it needs to deliver its business objectives. By necessity this implies a much more systematic approach to a range of HR issues, including the design and implementation of flexible working arrangements, in a manner which is responsive to a range of external factors, including changing labour market trends and legal developments. HRP also provides a process within which flexible working arrangements can be designed to complement other HR policies, e.g. concerning promotion, training and development policies, particularly in the context of equal opportunities concerns raised in this report. For example, the effectiveness of flexible working arrangements such as job sharing could be enhanced through the development of more innovative approaches to training and development, such as mentoring, as a means of meeting the developmental and career progression needs of those in less than full time working. Once more, while

developments in this area are most appropriately taken forward at local level, national bodies have an essential leadership role to play.

A useful illustration of the stages involved in developing flexible working arrangements is presented in the Annex to this report in the form of a checklist. The role of policy makers in supporting such a process is considered in Sections 8.3 and 8.4.

#### *8.2.4 Ongoing challenges – monitoring, recording and evaluation*

This research highlights an apparently less favourable picture in relation to flexible working arrangements in Ireland compared to other OECD and EU countries. One of the real difficulties in quantifying the extent of family friendly/flexible working arrangements is the lack of comparable statistical data to enable informed comparison. There is clearly a need to measure better, and monitor the usage of flexible working arrangements at national level. Equally, at the workplace level, the findings research suggest that, within both the commercial and non-commercial sectors, there is a need for a more systematic recording of data in relation to participation in family friendly/flexible working arrangements. Better recording and monitoring of such data would also greater facilitate evaluation and comparison of the effectiveness of existing schemes.

In the public service, long-established arrangements, such as flexitime and job-sharing, may require re-evaluation in the light of changing external and business factors. The world has changed considerably since the 1980s, with growing commuting difficulties and the need to ensure a more effective fit between flexitime systems and changing customer service requirements. In the private sector, HR policies appeared to be formal and documented. As a consequence, evaluation and monitoring of the operation and effectiveness of flexible working arrangements was difficult. Finally, better recording and monitoring of trends in relation to flexible working arrangements could be used to assist implementation of a range of other HR policies, e.g. in relation to recruitment and retention strategies and in achieving equality of opportunity. Such monitoring, recording and evaluation has to be

undertaken, and acted upon, at the enterprise/workplace level. In addition, there are benefits to be gained from the collation of such data at a sectoral level by appropriate national organisations. Finally, responsibility for improved official statistics to inform national policy development falls with the Central Statistics Office (CSO), under the guidance of the National Statistics Board.

#### *8.2.5 Future challenges – more innovative forms of flexible working*

In relation to new forms of flexible work, such as teleworking, recent developments (see National Advisory Council on Teleworking, 1999) highlight clear national support for such measures. During this study, interviewees acknowledged and recognised the feasibility of teleworking in technological terms and its potential desirability in terms of cost reduction, staff retention and better reconciliation of work and family life. At the same time, the research identified little evidence of teleworking at the workplace level. Instead, the research suggests that the primary barriers to the introduction of teleworking tend to be attitudinal, based for example around concerns regarding trust and control.

Teleworking is a feature of many advanced economies. Increasing problems in relation to commuting times, housing costs and staff retention highlight the benefits that teleworking would provide in addressing such issues. While attitudinal barriers can be difficult to break down, and may be specific to individual organisations, there would be clear merits to the public service taking a lead role in endorsing and implementing teleworking initiatives, just as it has been to the forefront in introducing earlier initiatives such as job-sharing. A similar approach could be adopted for the promotion of other innovative flexible working arrangements such as V-time (voluntary reduced time). Lessons learnt from such an initiative, if clearly and comprehensively disseminated, could assist in breaking down attitudinal barriers within other sectors. The important issue of dissemination will be addressed in more detail in Sections 8.3 and 8.4.

Finally, and perhaps more fundamentally, the evidence gathered during the research suggests that the development of more innovative working arrangements could be

greatly facilitated by a more flexible and imaginative approach to the structuring of work. Rigid adherence to traditional, full-time patterns of working may reflect the needs of the past but are unlikely to be as appropriate to the dynamically evolving working patterns of the 21st. Century. Frequently, the impression was gained that it is not flexible working arrangements that are problematic per se, but rather the way in which organisations attempt to place them on rigidly structured job arrangements. National-level bodies have a key role to play here in encouraging innovation/pilot schemes at sectoral and local levels.

### **8.3 The role of policy makers in family friendly initiatives**

As a prerequisite to identifying the respective future roles of public policy makers, employers and trade unions in taking forward the development of family-friendly initiatives, it is important to clarify the existing roles of the many agencies concerned. The first point that must be raised in this regard is that no one government department or agency has a unique or clear remit to take forward these initiatives. At the same time, a wide number of bodies are involved in relevant policy areas.

Accordingly, it is useful to plot out these roles briefly:

- The Department of Enterprise, Trade and Employment is responsible for ensuring statutory provision for the employment rights, safety health and conditions of workers. It also provides the secretariat for the National Framework Committee established under PPF 2000 to support the development of family friendly policies.
- The Department of Equality and Law Reform was merged with the Department of Justice in 1997. The overall goal of the Equality Division of that Department is to bring about a more equal society by outlawing discrimination and facilitating equal opportunity. The Department's recent Strategy Statement recognises that a number of key factors will shape actions required to attain this goal, including "the growing recognition of the need for interventions to facilitate equal opportunities and the reconciliation of work and family responsibilities, particularly as set out in

the 1988 Employment Guidelines adopted by the EU Council” (Department of Justice, Equality and Law Reform, 1998, p. 52).

- The Equality Authority, in addition to its broader remit of working towards the elimination of discrimination, also has specific responsibilities, including the promotion of equal opportunity in relation to matters to which the equality legislation applies, and the provision of information on the working of the Parental Leave Act, 1998.
- Both the Departments of Enterprise Trade and Employment (through its relationship with the National Advisory Council on Teleworking), and the Department of Public Enterprise have a role to play in the development and promotion of teleworking initiatives.
- The Department of Finance, and in particular, its Personnel and Remuneration Division, is responsible for the overall management of the public service in respect of remuneration, superannuation and industrial relations, while for the Civil Service, it has lead responsibility for key areas of personnel policy including conditions of service and equality.
- The Department of Social Community and Family Affairs has a broad role to play in promoting measures in relation to better reconciliation of family and work responsibilities. This is recognised in their recent Strategy Statement in which, as part of their goal of promoting policies to protect and support families, they have stated that they will “through income support and other measures promote the reconciliation of work and family responsibilities, in consultation with other departments” (1998, p.17).
- Finally, the Department of Taoiseach exercises a monitoring role, for example in relation to progress made in achieving the proposals set out the *Programme for Prosperity and Fairness* (2000).

It must also be noted that, within the public service, departments and other agencies with responsibility for particular sectors of activity could also have a role to play in promoting best practice in areas such as education, health, local government etc. Such



bodies would include the Local Government Management Services Board (LGMSB) and the Health Services Employers Agency (HSEA). The promotion of, and responsibility for, family friendly/flexible working arrangements in the Irish workplace is clearly a crosscutting issue that spans a range of departments and agencies. Recent research (Boyle, 1999, Boyle and Fleming, 2000) suggests that cross-departmental issues often require the establishment of new structures and processes to facilitate their development and implementation.

In this context, the *Programme for Prosperity and Fairness, 2000* recognises the need for a national framework to be established to support family friendly policies at the enterprise level, and a range of measures are set out in the agreement to achieve progress within such a framework. The newly established National Framework Committee comprises representatives from IBEC, public sector employers and ICTU. Clearly, the agenda set out for this new Committee is ambitious and demanding. As a consequence, the programme of work that will emerge from this forum is potentially extremely significant for the satisfactory resolution of outstanding issues identified by this study.

At the organisational level, however, there could still be clear merits to assigning a co-ordinating role to one department or agency in taking forward both the proposals developed by the National Framework Committee and the practical actions set out in section 8.4 of this report. In addition to facilitating a more focused and concerted policy response to the furtherance of family friendly initiatives, it would enable a better co-ordination of the efforts and activities of the range of public sector bodies that have been outlined above. Equally, from a quality customer service viewpoint, such an approach would also provide a more accessible and 'user-friendly' service, from both the employer and employee perspectives.

However, policy makers alone cannot secure the greater and more effective usage of flexible and family friendly working arrangements in the workplace. Ultimately, there remains a considerable onus on employers, both individually and collectively, to play a significant role in making such arrangements available to their employees. The challenge in encouraging employers in this regard are recognised in the *Programme*

*for Prosperity and Fairness* (2000), in which it is stated that, ‘The challenge in developing family-friendly policies relevant to the level of the enterprise is to find ways of developing approaches that reflect the reality of the workplace’ (p. 42)

While there are clear business arguments to support the usage and development of such arrangements, with the exception of part-time working, atypical and innovative working arrangements have not generally been significant features of the Irish workplace. In addition, employers often perceive that increased regulation of arrangements would be undesirable. Given the business-case arguments identified earlier, there is a need for a much greater awareness on the part of individual employers as to the benefits and process involved in implementing such arrangements. At the same time, the level of awareness to date has not been helped by the myriad of departments/agencies that are involved in initiatives or policies relating to such arrangements. This suggests that there would be benefits to be gained from a more concerted effort by policy makers to disseminate information regarding the process and benefits of flexible working arrangements in a more accessible manner. This will be considered further in Section 8.4

Last but not least, trade unions have a key role to play in taking forward family friendly/flexible working arrangements. To date, the trade union movement does not appear to have been significantly involved in the promotion of such arrangements at workplace level. While there are understandable concerns about the potential abuse of such arrangements, there is also a responsibility on trade unions to respond to the changing demands of employees for more innovative forms of working. In this context, the partnership approach, which is becoming a central feature of both public and private sector organisations, could provide a useful forum within which the development of new flexible working arrangements could be developed and taken forward. Partnership committees potentially provide a means for unions, management and employees to take forward the achievement of change.

## **8.4 Next steps – identification of practical measures**

To undertake and complete this study, information, research data and documentation on best practices were drawn from a wide range of sources. In some ways, this diversity of sources reflects the fragmented approach, from a policy perspective, which prevails in relation to the development and promotion of family friendly/flexible working arrangements. The potential benefits of one department/agency taking lead responsibility for developing and co-ordinating efforts in this regard have already been raised in Section 8.3. In the context of such a role, a number of practical measures should be considered to progress the developments and extension of flexible working arrangements in the workplace.

### *8.4.1 Dissemination of information*

An issue which emerges clearly from the findings is the need for employers and employees to be better informed in relation to the nature of statutory (e.g. parental leave) and discretionary arrangements (e.g. teleworking, flexitime) that are available and how they might be operationalised. The approach adopted in the UK, whereby a voluntary organisation, New Ways to Work (NWW) disseminates information in the form of factsheets and guidelines might be considered as a potential approach in this regard. For example, NWW have produced practical guidelines to assist employers in introducing a range of flexible working arrangements. While a range of departments in the Irish public service produce and disseminate information in relation to specific issues such as parental leave and part-time working, there would be clear benefits to providing one source of contact for employers and employees in gaining access to such information.

### *8.4.2 The development of statistical information and research*

The limited availability of authoritative statistics on atypical working patterns acts as a real constraint on informed policy development and evaluation. Clearly, there is a need for more effective recording and evaluation of such trends, and policy makers have a key role to play in this regard. At the macro-level, official statistics need to reflect changing working arrangements, for example in relation to teleworking and

less than full-time working arrangements. At the micro, or workplace, level, more detailed research and evaluation of the experience of and potential for development of such arrangements would greatly inform the debate in this area. It could also complement and enhance the process of dissemination to employers regarding best practice.

#### *8.4.3 Greater collaboration*

The benefits of assigning a co-ordinating role to one department/agency in promoting the development of flexible working arrangements have already been considered. In this context, there is a need to develop links with a range of representative bodies and groups to both assist in disseminating information and make an input into developments taking place at the workplace level. For example, in the context of the public sector, there is a need to take account of relevant developments arising from the work of the SMI working groups. In the private sector, benefits might also arise through collaboration with representative bodies, including IBEC and ISME, and organisations such as Leargas who have been involved in promoting and co-ordinating research under the ADAPT programme into flexible working arrangements in the SME sector. The pivotal role of the new Framework offers a considerable opportunity to take forward this agenda.

#### *8.4.4 The changing nature of the family*

Finally, it is important that policy efforts in relation to the promotion and development of family friendly/flexible working arrangements are responsive to changing demographic trends. The stereotypical view of what constitutes a family will need reassessment over time, just as the traditional family unit has changed considerably over the past decade. Clearly, in the interests of equity and the greater achievement of a work-life balance, it is important that policy efforts recognise the increasing diversity of family arrangements. The approach adopted in other countries, which recognises that individuals have a range of outside responsibilities and demands, in addition to those concerned with childcare, is of significance. In the Irish context, the White Paper on the framework for supporting voluntary activities and for developing

the relationship between the state and voluntary and community sector highlights the difficulty of continuing to engage in voluntarism.

## **8.5 Conclusions**

This report has studied in detail the impact to date and potential for the development of more innovative forms of flexible working arrangement in the Irish workplace. It clearly highlights the potential benefits to be gained from a greater utilisation of such measures. Policy makers have a key role to play in promoting such measures. At the same time, there will also be a considerable onus on individual employers to respond to changing labour market conditions by offering and extending such arrangements, to enable employees to better reconcile work and life responsibilities. In turn such a response has the potential to address a range of key organisational concerns most notably in relation to recruitment and retention of staff.

## **Notes**

1. Unless otherwise indicated, the statistical definitions utilised for the international comparisons follow the approach adopted by the International Labour Organisation (ILO, 1982). Employment data relate to all those who worked for at least one hour for payment or profit, in the enumeration week.
2. Unless otherwise indicated, this analysis is derived from the Eurostat LFS data for 1997. Within the LFS, the distinction between full and part-time working is based on self-definition.
3. For ease of presentation, data on each of the 15 Member States is not reported. Instead a cross-section of five states (including Ireland) is reported, together with the EU average.
4. Activity rates represent the labour force (employed+unemployed) as population of working age. However, such rates do need to be interpreted with caution from a gender perspective because of their inclusion of those recorded as unemployed, which can underestimate the potential labour supply of women. As Rubery et al (1998) point out, “ ... gender bias in the extent of hidden unemployment arises partly because in many societies social norms still define women’s employment as secondary to their domestic responsibilities, and in all societies women still do most of the unpaid care work, so that non-employed women are less likely than men to define themselves as unemployed” (p.34).
5. In addition to sex, age, length of service, Department and grade, CEN-SIS data for such staff include details of job-sharing and career breaks. Although the regular reports produced by the CEN-SIS Unit in the Department of Finance principally analyse staff numbers by grade and Department/Office, detailed information is reported through the Annual Reports for the Equality Committee of General Council.
6. The total FTE of posts jobshared was 1,179.5.
7. In addition it must be noted that the reason for jobsharing was not cited for 36 per cent of women.
8. Unfortunately, nearly half of the male job-sharers did not report a reason.

9. Announced in January 1997, proposed new arrangements include working mornings only, or working three weeks out of four.
10. The total FTE of posts jobshared was 1,179.5.
11. Prior to that time, the Employment Agency Act (1971), that regulated the operation of employment agencies in Ireland did not concern itself with the employment conditions of agency workers. Under the 1993 Act, an agency worker is deemed to be an employee of the third party (i.e. the user employee) whether or not the third party is a party to the contract and whether or not the third party pays the wages of the worker with respect to the work undertaken or services received.
12. Until 1993, fixed-term contracts could be repeatedly renewed without giving rise to any obligations on the employer. Section 3 of the 1993 Act provides that the Rights Commissioners/Employment Appeals Tribunal can examine any second or subsequent contract to determine whether the nature of the contract was designed to avoid liability under the Act and in such circumstances a claim for unfair dismissal can be pursued.
13. In addition, the “marriage bar” which directly discriminated against women was abolished in 1973.
14. See Meenan, 1994 for a detailed consideration of the provisions of this Act.
15. *Bilka-Kaufhaus v. Weber von Harzt* (1986) determined that practices that excluded part-time workers, where the exclusion affects a far greater proportion of women than men, are unlawful unless the employer can provide objective justification for the practices, unrelated to discrimination on the grounds of sex. This decision was particularly helpful in providing more equal access to pension schemes. In addition, a more recent ruling by the ECJ (*Stapleton and Hill v Revenue Commissioners* 1998) held that job-sharers in the Irish civil service had suffered indirect discrimination because they had lost salary increments when they returned from job sharing to full time work. The Employment Equality Agency has suggested that the ruling in this case should lead to a more gender-neutral take-up of job-sharing schemes.

## **Annex One**

### **Checklist for developing family friendly/flexible working arrangements in the workplace**

#### *1. Business*

- Examine the way in which your business operates
- Could flexible work patterns enable the organisation to satisfy customer needs more effectively?

#### *2. General*

- Ensure that the use of flexible work options is voluntary.
- Allocate adequate resources to draw up and implement schemes.
- Ensure careful planning and preparation
- Learn from the experience of other organisations.
- Allocate responsibility for maintaining an overview of the development of policies.
- Acknowledge that developing more flexible work patterns will be a slow process, and is part of a wider cultural change.

#### *3. Involvement*

Obtain support throughout the organisation:

- from all levels of management
- from trade unions and employees representatives
- from all staff

#### *4. Support*

Give support to managers in their policy implementation by providing:

- training
- written guidelines



- a named contact for advice

*5. Changing attitudes and perceptions*

Encourage all staff to appreciate the benefits of flexible work patterns by:

- Illustrating the business needs of flexible working
- Advocating and supporting new ways of looking at the organisation of work
- Providing real examples to show how flexible work patterns work in practice
- Using managers to convince other managers of the benefits
- Enabling the exchange of information between managers of flexible workers

*6. Publicity and communication*

Make sure everyone in the organisation (including maternity absentees and employment breakers) knows about the options and tell them about their availability.

*7. Use:*

- Leaflets
- Posters
- Staff journals
- Staff guidelines
- Self-help groups

*8. Monitoring and review*

Keep up the momentum. See monitoring and review as part of a continuous process of developing flexible work options.

*Source: NWW (1993a)*

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